Chapter 8

Investigating Billie Sol Estes

THE KENNEDY YEARS

The eight years of the Eisenhower administration had been an era of prosperity, stability, and, for the most part; of success in foreign affairs. This was ended by the election of John Fitzgerald Kennedy to the presidency in 1960. About to depart from office, President Eisenhower said to Senator Curtis, "Stay tough, Curtis, stay tough." That Curtis found necessary to do.

Assisted by Arthur Schlesinger, Jr., and other speechwriters, Kennedy had been persuasive on television, the first presidential candidate to make really effective use of that medium of communication. His television debates with Vice-President Nixon, indeed, had given Kennedy his tiny margin of victory in November. But television could not give him victories abroad or in the Congress.

His first television address as President was a blunder: in it he warned the people of the peril of Communist domination

of remote Laos, the beginning of that American involvement in southeastern Asia which was to end with American defeat after a decade of exhausting war.

There would occur promptly the disaster of the Bay of Pigs in Cuba, botched more by United States civilian officials of the Kennedy administration than by the military or the CIA. It was Kennedy's initial major failure in office, and his reputation never wholly recovered from that defeated landing. Later, President Kennedy would boast of having browbeaten Khrushchev out of establishing missile bases in Cuba, in their confrontation of October 28, 1962; but in reality the victory was Khrushchev's, for the Soviets never agreed to an acceptable verification system to prove that indeed they had removed their missiles from Cuba, while Kennedy gave an implicit pledge that American forces would not invade Cuba. That menacing island remained a Soviet satellite.

Similarly, Kennedy was pusillanimous with respect to Germany: the Berlin Wall was built despite American protests. Here Kennedy behaved after a very different fashion from what presumably would have been Franklin Roosevelt's or Harry Truman's in such circumstances.

"Ask not what your country can do for you, but what you can do for your country." The sentence came from Kennedy's lips; but Arthur Schlesinger had purloined it for Kennedy's use from the speeches of old Orestes Brownson; it was an echo. Similarly, Kennedy's New Frontier merely was an echo of Roosevelt's New Deal and Truman's Fair Deal.

For Kennedy's was a feeble presidency, despite much propaganda at the time about the Kennedy "Camelot" in Washington, with J. F. K. as King Arthur. The lustre of those days now has vanished in public opinion; so has the notion that Jack Kennedy would found a Kennedy presidential dynasty.

One reason for Kennedy's ineffectuality, in domestic policy as in foreign, was that the election of 1960 did not confer upon him the popular "mandate" to which he had aspired. In the national popular vote, his margin over Richard Nixon was only 118,263, less than two-tenths of one per cent of the total number of votes cast. Kennedy's margin in the Electoral Col-

lege was more substantial, a plurality of eighty-four. But if certain marginal states had gone for Nixon instead—and very narrowly marginal they had been—Kennedy would not have taken the presidential oath of office.

A few votes here and there would have made all the difference. Carl Curtis then was ranking Republican member on the Senate's Committee on Rules and Administration, and also on the Subcommittee on Privileges and Elections. Curtis suspected voting fraud in Illinois and Texas, where the contest between Kennedy and Nixon had been closest; so he sent watchers and investigators to Chicago. The information brought back to Curtis would have justified a full-scale senatorial investigation and a contesting of the validity of Kennedy's election.

Senator Curtis took up this grave matter with Richard Nixon. Nixon's reply, a generous one, was that it would not be well for the United States to endure a contest over the validity of the presidential election, for that would result in an interregnum of weeks, during which the country would lack leadership. Such an interim might work harm to America' s allies and well-wishers abroad. This prudence outweighed Mr. Nixon's long-cherished ambition to attain the presidency.

Curtis himself was elected in 1960 to his second term in the Senate. Unopposed in the Nebraska primary, in November he had defeated the Democratic candidate, Robert B. Conrad, of Genoa, by some 353,000 votes to 246,000. He set his face against Kennedy's "New Frontier." Although Republicans remained in a minority in both houses of Congress, Kennedy had been unable to carry in with himself many new Democratic members of Congress; and his influence with members of his own party in Senate and House was limited. (Journalists who had privately polled members of the Senate during Kennedy's senatorial years as to the degree of esteem in which they held their colleagues had found that Kennedy had rated low on the roster.)

So the programs of the New Frontier, most of them vague, achieved no marked success during the three years of the Kennedy administration. No enthusiastic public supported them, and Congress enacted few of them. What increase of the welfare state occurred during the Kennedy administration was

slight enough when compared with what had been done during the Roosevelt and Truman administrations; it would be trifling when compared with the sweeping and immensely costly "social" programs of the Johnson administration that was to follow.

Behind the Camelot facade of the Kennedy administration lay hesitation, self-seeking, license—and a good deal of corruption. What with the growth of the welfare state, the enormous expansion of the federal government's activities into new fields, and the seemingly limitless largesse that poured out from Washington, opportunities for looting occurred everywhere. Corruption extended to the inner circles of the people around J. F. Kennedy and Lyndon Johnson; and it enriched such fantastic figures as Billie Sol Estes.

THE FATAL ANTICS OF BILLIE SOL

As a member of the Permanent Investigating Subcommittee of the Senate's Committee on Government Operations, Carl Curtis had taken part in senatorial investigations since 1957. Earlier, indeed, in 1951, he had been a member of an investigatory subcommittee of the House Ways and Means Committee that looked into notorious cases of corruption within the Bureau of Internal Revenue. That investigation had exposed the misdeeds of Lamar Caudle (an assistant attorney general), Joseph Nunan, Jr. (former commissioner of internal revenue), and other officials of the Truman administration. Now there came within the

cials of the Truman administration. Now there came within the cognizance of Curtis and his Subcommittee colleagues the corrupt exploits of one Billie Sol Estes, of Pecos, Texas—one interesting specimen among the numerous men who had grown rich at public expense through frauds related to the federal government's multitudinous undertakings, subsidies, and outpourings of deficit-financed public profusion.

Estes was a hard-driving and ruthless young man who had amassed a fortune of thirteen million dollars or more in a very short time. In 1953, he had been named one of the nation's ten outstanding young men by the U. S. Junior Chamber of Commerce. He had developed the art of making friends with governmental officials, from clerks and other employees in the local agricultural office to members of Congress, cabinet officers, vice-presidents, and presidents. A giver of gifts, Estes contributed generously to his friends' political campaigns. In 1961, Estes founded a newspaper, the *Pecos Daily News*. On the front page of the paper's first edition were printed congratulatory messages from President Kennedy, Vice-President Johnson, House Speaker Sam Rayburn, Senator Ralph Yarborough, Dr. James Ralph (Assistant Secretary of Agriculture), and lesser luminaries. It turned out later that Estes had presented Dr. Ralph with a credit card, to employ at his discretion; and had made valuable gifts to several Department of Agriculture officials. Yet such donations were only peccadillos among Estes' doings.

Billie Sol's enterprises consisted of twenty-two corporations, partnerships, and companies. He had three main lines of business: first, in his grain-storage business, he handled huge amounts of government-owned grain for the Department of Agriculture; second, in his fertilizer business, he both retailed fertilizer and supplied farmers with a lease arrangement for fertilizer tanks, used for the storing of anhydrous ammonia fertilizer; third, Estes was a cotton farmer—a big one. This third undertaking requires some explanation.

When the federal farm-subsidy program related to cotton had been enacted, cotton production had been limited by allocating to certain farms a certain number of acres upon which cotton could be raised. This allotment went with the land: *that* is, any purchaser of the land also acquired the cotton allotment.

These allotments were highly valuable, for without them it was forbidden to plant and harvest cotton. Later the statute was amended to provide a form of compensation to farmers whose land was taken by the government through eminent domain—for flood control, or other purposes. Any farmer so dispossessed might have his old cotton allotment transferred from his old farm to other land that he might acquire. In no other circumstances might cotton allotments be bought, sold, or otherwise transferred.

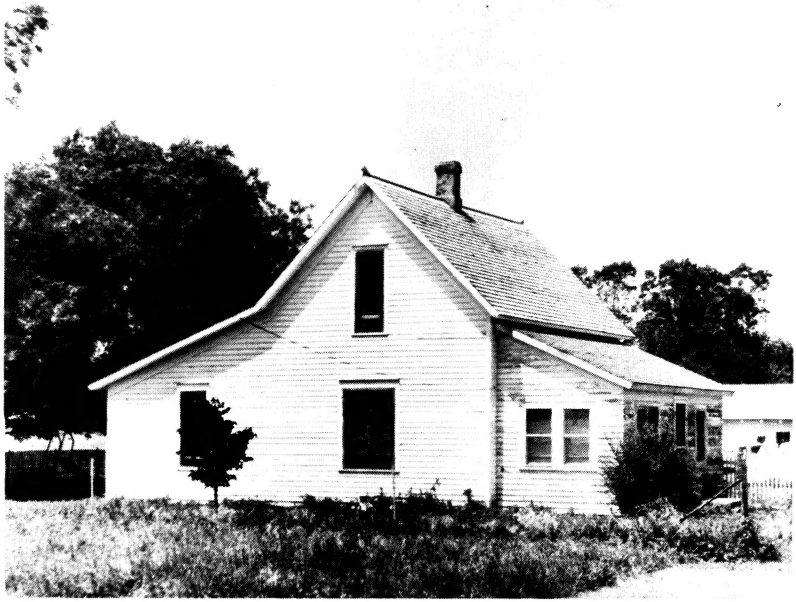
Estes, nevertheless, perfected a plan for circumventing the law so that, in effect, he might buy cotton allotments. During 1961, he contrived to purchase more than 3,100 acres of cotton allotment.

Estes or his agents in this scheme sought out farmers whose land had been taken by eminent domain for highways, flood control, or other public purposes. These farmers were induced to transfer their cotton allotments to land that Estes owned in Texas. On paper, such farmers purchased land from Estes for the purpose of growing cotton; but no genuine sales of land by Estes actually occurred. The displaced farmer who "bought" land from Estes paid nothing down; he agreed to pay for the land in four installments, the first to be made at some future date. Then Estes would obtain a lease of this "purchased" land, paying the farmer a sum, usually fifty dollars an acre, as lease-money. The displaced farmer, theoretically the purchaser of Estes' land, never actually took possession of the land in question; he defaulted (with Estes' connivance) on his nominally promised installment payments for the new land. Upon such default, the land reverted to the seller, Estes. By this interesting scheme and device, the cotton allotment passed to Estes; and the "purchaser", the displaced farmer, received fifty dollars an acre from Estes, actually payment for his allotment's transfer to the ingenious Estes. Such was one of Estes' larger machinations, and it paid him very well indeed, for thus he became one of the bigger magnates of the cotton-growing oligopoly in Texas.

There were other Estes schemes, also highly lucrative, revealed by the Subcommittee's investigation and the course of the criminal prosecution of Estes. Take Estes' storage-tank rack-

1985 portrait of Carl T. Curtis.

Family portrait with Carl T. Curtis in center of front row surrounded by parents, five sisters and two brothers.



Kearney County, Nebraska, birthplace of Carl T. Curtis on March 15, 1905.

The Bobbie Baker Investigation. Left to right: Senator John Williams, Senator John Sherman Cooper, Senator Carl T. Curtis, Committee Counsel L. F. McLendon, Senator Everett Jordan and Senator Carl Hayden.

Senator Carl Curtis, Pres. Truman and Maurine Steyer-Biegert "June 1946, National 4-H honoree presented to Pres. Harry Truman".

Senator Carl T. Curtis with Senator Karl Mundt at news conference in reference to Billie Sol Estes.

Finance Committee chairman Russell Long and Carl T. Curtis hold a press conference.

During the Billie Sol Estes investigation. Left to right are: Senator Henry Jackson, Chairman John McClellan, Senator Karl Mundt, Senator Edmund Muskie and Senator Carl T. Curtis.

The cast for the movie based on "Advise and Consent" visiting the Senate. Left to right are: Charles Laughton, Henry Fonda, Otto Preminger, Senator Roman L. Kruska, Senator Carl T. Curtis and Allen Drury.

Wife, Lois, with children, son Carl T. Curtis, Jr., and their daughter, Claramae.

Carl T. Curtis and Mrs. Mildred Curtis.

et, which led to his arrest and indictment. This was a device for defrauding nine major finance and investment companies by selling them mortgages on nonexistent storage tanks for anhydrous ammonia. In the fullness of time it turned out that in Reeves County, Texas—Estes' stamping-ground—the number of such mortgages far exceeded the total number of mortgaged tanks.

Estes' method here was to persuade farmers to buy these tanks on the installment plan, giving mortgages to secure the borrowed money for acquiring (theoretically) a number of tanks. But farmers secured loans on many tanks that existed nowhere, because Estes had not actually delivered those tanks to farmers. Then Estes leased the hypothetical tanks from the farmers, making rental payments to those farmers equal to the installments that the farmers had agreed to pay on their mortgage loans. Although those tank-mortgage loans originally were advanced by Estes to the farmers, Estes proceeded to sell the mortgages to finance companies. Thus Estes conjured riches out of nothing much, at no expense to the participating farmers, but eventually at great expense to the deluded finance companies.

Yet Estes having overreached himself and made discerning enemies with power to expose his storage-tank scheme, his activities were brought to the attention of the Department of Justice and of the Senate's Subcommittee on Investigations in 1962. Among the accusations made against him was the charge that he had bought favors from important officials of the Department of Agriculture and other public employees. This resulted presently in the dismissal or resignation of the men in question, among them an Assistant Secretary of Labor. It was brought to light that Estes had helped some members of Congress with money or favors: Senator Ralph Yarborough of Texas, Representative J. T. Rutherford of Texas, Representative H. Carl Andersen of Minnesota. To what other people might this trail lead?

Already it had led to the upper reaches of the Department of Agriculture; and the Secretary of Agriculture, Orville Freeman, was displeased. Out of Freeman's concern arose an ominous episode worth setting down here.

INVESTIGATORS INVESTIGATED

In April, 1962, a federal grand jury indicted Estes and three of his associates on charges of fraud, conspiracy, and interstate transportation of fraudulent mortgages. The States Attorney of Texas commenced a vigorous investigation of Estes' activities. On May 4, at a Department of Agriculture press conference, an experienced Agriculture official, N. Battle Hales, accused his superiors of favoritism to Estes in connection with the cotton allotments of 1961. Calling a counter-conference with the press on May 7, Secretary Freeman denied that Estes had obtained favors; the Estes case, he maintained, had been "blown out of all importance." Asked why Estes had been retained as a member of the Department's cotton advisory board after having been fined for overplanting and after the Department's general counsel had found the 1961 allotments to Estes unlawful, Secretary Freeman endeavored to defend the Department's action, or lack of action. He did find it necessary to mention the strange death of Henry Marshall, the Department's official who had been in charge of Texas cotton allotments, a subject to be discussed later in this chapter.

The scandal could not be suppressed. On May 9, the Department announced that penalties of more than half a million dollars were being assessed against Estes for violating cotton-planting allotments in 1961, a rather tardy punishment. President Kennedy, who had congratulated Estes on founding his Pecos newspaper, on May 17 promised an inquiry into Estes: "The government is staying right on Mr. Estes' tail." He defended Secretary Freeman. Senator John McClellan, chairman of the Senate's Permanent Subcommittee on Investigations, announced that an Estes investigation would be undertaken; so did Congressman L. H. Fountain, chairman of the House Intergovernmental Relations Subcommittee.

As these events occurred, information came to Carl Curtis

and to Senator Karl Mundt, of South Dakota, that they were the subjects of an investigation by the Department of Agriculture. Mundt and Curtis were the only Republican members of the Subcommittee on Investigations. They seemed unlikely subjects of an investigation by a branch of the bureaucracy, having good senatorial reputations. Senator Mundt, true, had been singled out for retaliation by the South Dakota Democratic Convention, which had passed a resolution asking that the Investigating Subcommittee, the Attorney General, and the Secretary of Agriculture investigate Mundt, on the charge that a friend of his, a contributor to Mundt's campaign fund, had obtained government storage. This was a partisan red herring. On the eve of the Subcommittee's investigation of the Estes affair, apparently the Secretary of Agriculture hoped to intimidate or to discredit Mundt and Curtis.

For a cabinet officer thus to proceed against members of a senatorial investigating committee was a curiously arrogant development within the Executive Force—and harmful to the constitutional separation of powers. Mundt and Curtis promptly took action.

Calling a press conference, the two senators pointed out that they were the only Republicans on the Subcommittee; and that the Department of Agriculture's investigation was an attempt to intimidate them and to drag in material unrelated to Estes, in an effort to thwart the Senate's investigation of the Estes scandals. Mundt and Curtis obtained affidavits from employees of the Department of Agriculture to the effect that they had been ordered to make a search in federal records-centers for documents pertaining to the two senators, and had so searched. An affidavit obtained from Thomas R. Hughes, executive assistant to the Secretary of Agriculture, admitted that on instructions from Secretary Freeman, Hughes had ordered an investigation of all the correspondence of these two Republican members of the Subcommittee, on the ground that thus the Secretary could better prepare for the imminent investigation by the Subcommittee.

Rejecting this explanation, Mundt and Curtis charged that the Department of Agriculture's search was an attempt at intimidation; that the Department had intended to release bits

and pieces of their correspondence to newspaper reporters, thus embarrassing the two senators. In the field of law, such tactics are referred to as "trying the prosecutor."

Moreover, Senator Curtis said, this "investigation" by the Department was insulting to the Democratic members of the Subcommittee on Investigations. Those colleagues on the Subcommittee all were honorable men, Curtis declared; Freeman's assistant's exemption of the Democratic members from investigation implied that the Department of Agriculture already had the Democratic members in its pocket.

The Subcommittee on Investigations proceeded with its hearings. Secretary Freeman having been summoned to testify, Mundt and Curtis and others questioned him. At one point, Senator Curtis said to Secretary Freeman, "You didn't remove anyone from the payroll; you didn't stop Billie Sol Estes; you didn't take any actions against Estes until after he was indicted. Is that correct?" Freeman angrily replied that this was not true; but Curtis pointed out the record in the case.

Freeman did acknowledge that breakdowns had occurred in the Department's handling of the Estes affair, but vigorously denied that Estes had received favors or that the Department had acted against Estes only under the prodding of Texas authorities and of the press.

He was questioned about the searching of files on Mundt and Curtis. Freeman replied that he had authorized the investigation as part of his effort to prepare for the Subcommittee's hearings. "I came to the conclusion that you [the senators] had prejudged, and I better be prepared to answer any questions."

The matter of a charge against Mundt was taken up in the questioning of Freeman. He was asked, "Well, how about Curtis?" How could allegations against Senator Mundt justify an investigation of Senator Curtis? Freeman replied that he figured "they sat together and probably would think alike, too." Apparently the real charge against Mundt and Curtis, in the Secretary's mind, was that they entertained thoughts awkward for the Secretary of Agriculture.

Curtis questioned Freeman about reprisals; he wished to know whether, in retaliation against Mundt and Curtis, the Department of Agriculture would discriminate in its policies

against the farmers of South Dakota and Nebraska. In effect, Curtis required Freeman to go on the record as to this possibility. Of course the Secretary stated that nothing of the sort would happen.

Curtis declared that he had no objection to having newspapermen in Nebraska or from elsewhere examine all his relations and correspondence with the Department of Agriculture in past years. Darwin Olafson, a reporter from the Omaha *World-Herald*, inquired of the Department of Agriculture as to what had been discovered by searching Senator Curtis' correspondence. He was told that the Department had examined two hundred and thirty-seven Curtis letters; that all the letters examined had been routine—the sort of correspondence expected from a member of Congress from a farming state, dealing with complaints, requests, and suggestions from constituents. The Department's investigators had found nothing unethical or derogatory to Senator Curtis.

Senator Mundt pointed out that a friend of his, a contributor to Mundt campaign funds, had received government storage, in consequence of which the South Dakota Democratic Convention had demanded an investigation of Mundt. The gist of Mundt's clash with Freeman was expressed in Mundt's challenge to Freeman, "Put up or shut up." Freeman was unable to put up.

As the Lincoln *Journal* summarized this affair editorially, "Unless the Department of Agriculture comes up with a better defense of its singling out the correspondence of two Republican senators probing into its affairs, the public will be inclined to believe the charges of attempted intimidation leveled against the Department by Curtis and Mundt." The Department was unable to make any better defense.

Was Freeman's attempt at intimidation of two senators chiefly the result of bureaucratic arrogance? Or did Freeman fear that investigation of the Estes affair might proceed farther, and have more far-reaching consequences than the investigation actually did cause? That question never was resolved.

MURDEROUS CORRUPTION

What the Subcommittee's investigation did reveal, fully substantiated charges against Estes by the federal Department of Justice and by Texas' State Attorney. Estes illegally had acquired cotton allotments from one hundred and sixteen farmers. Testimony from an official of the Department of Agriculture, Leonard W. Williams, program specialist in the Agricultural Stabilization and Conservation Service (commonly ASCS or ASC) office in Texas, showed that Williams had been painfully aware of Estes' illegal operations. As early as October, 1960, it was revealed in other testimony, officials had ruled that "Estes-type" transfers of cotton allotments were unlawful; yet all of the Estes transfers had been approved at state and county levels in Texas.

Unlawful payments had been made by Estes to Agriculture's officials and employees; and Estes had endeavored to influence them by gifts. Assistant Secretary of Agriculture James T. Ralph was accused of receiving gifts from Estes; he categorically denied the charge. Later, Secretary Freeman obtained information that Dr. Ralph had used Estes' credit card, charging long-distance calls to Billie Sol; so Ralph had been expelled from the Department. Freeman testified that he had found out also that Ralph had accompanied Estes to the Nieman-Marcus department store in Dallas, where Estes had Ralph fitted for very costly clothing, under circumstances conveying the impression that he meant to influence Ralph.

Various Texas employees and representatives of the Department of Agriculture were shown in testimony to have received cash payment or gifts from Estes for help in obtaining cotton allotments. There were bigger fish: Emery E. Jacobs, in Washington, the Department's administrator of state and county operations of the ASC nationally, had acquired an elaborate wardrobe at Estes' expense. (Apparently Estes had

handed the wad of cash for the purchase to Jacobs in a Nieman-Marcus dressing room.) At the devil's booth all things are sold. When the question had arisen as to whether Estes' cotton allotments should be canceled, Jacobs had told Thomas H. Miller, deputy director of the southwest area of the ASC, "I want you to send me a report containing every justification that you can find to permit the retention of these allotments."

The Subcommittee received the testimony of M. Battle Hales, an employee of the Department of Agriculture since 1941. Since 1952, his duty had been to review irregularities such as the Billie Sol Estes case. Hales had been outspoken in his conviction that Estes was receiving favors from individuals high in the Department of Agriculture. Once Hales' superiors became aware of this attitude, nothing pertaining to Estes was referred to him. Later his assignment had been changed; his office had been locked against him, and he had been denied access to his own files. His secretary had been committed to a psychopathic ward under an allegation of mental disorder.

Secretary Freeman referred to "emotional distress" suffered by this secretary, Mary Kinbrough Jones. Senator John Williams commented that she had been railroaded to an asylum because she had refused to cooperate in covering up corruption.

When the Subcommittee took up the matter of Estes' sale of mortgages on non-existent tanks for anhydrous ammonia, Senator Curtis questioned Secretary Freeman. That gentleman's reply is revealing:

"Well, first of all, Senator, I think it would be appropriate at this point that the question of the tanks was a matter of Estes' relations with private finance companies who he bilked of thirty million dollars and the federal government didn't lose a dime in doing business with him."

Apparently the Secretary saw no reason why so shrewd an operator as Estes should not sit on the federal government's National Cotton Advisory Council. Estes had been appointed to that Council after many unpleasant facts about him had been made known to the Department of Agriculture. Nor had the Secretary made any attempt to remove Estes from the Council

until after Estes' arrest. So as late as May 7, 1962, Freeman had been asked at a press conference about Estes' membership on that council. Freeman had said then, "This allotment business is just a lawyers' quarrel."

Further testimony indicated that Estes had profited handsomely from unusual and highly favorable contracts for the storage of the government's grain. A certified public accountant had helped Estes in this deal by transferring to his own letterhead figures about Estes' net worth (in connection with a government-required bond) supplied by Estes himself.

Orville Freeman had been warned about Estes' character. On November 21, 1961, John E. Francis, chief of the Agriculture Department's review and judication division, had written to Joseph Robertson, Administrative Assistant to the Secretary, concerning Estes: "I recommend against subject's appointment. The service investigation made regarding subject is sufficiently derogatory in nature that I so recommend."

Yet on December 22, 1961, Joseph Robertson had signed a memorandum recommending appointment of Estes to the Cotton Advisory Council. Estes had very influential friends in Washington.

It was revealed in testimony that despite much evidence of gifts by Estes to Agriculture officials and employees, none of those happy recipients had been removed from office until April 3, 1962, by which time the Department of Justice and the Subcommittee on Investigations were stirring against Estes. Evidence of corrupt deals and use of political influence acquired by gifts to officials was too extensive to be detailed here. No employee of the Department had been suspended or expelled or asked to resign, in connection with these offenses, until the Estes scandals had been exposed in the press and had come under the scrutiny of investigators outside the Department of Agriculture.

Billie Sol Estes' generosity had been extended to other departments of the federal government. Employing much Mexican labor, Estes had obtained the fixing of a wage-rate for his region below the wage paid in other areas. The Subcommittee was informed that he had presented a check for a thousand dollars to Jerry Holleman, Assistant Secretary of Labor. Sum-

moned before the Subcommittee, Estes was questioned about this by Senator Curtis. Appealing to the Fifth Amendment, Estes refused to answer Curtis' several questions on the grounds that he might incriminate himself. (Holleman found it necessary to resign office because of this payment.) On every question put to him by Subcommittee members or staff, Estes took the Fifth Amendment.

Although various Department of Agriculture employees cooperated readily with Estes, accepting his money, his gifts of clothing, hats, hams, lockers full of beef, hotel rooms, and air tickets, most officials and employees of the Department were honest people not to be bribed or intimidated. One such was Henry H. Marshall, who paid for his integrity with his life.

Marshall was a program specialist in the Texas state office of the Department of Agriculture, one of that department's outstanding civil servants. In the spring of 1959 he had received an award from the Department for distinguished service, at a presentation in Washington. Officials of the Department testified to the Subcommittee about his high repute. Marshall had assigned Leonard Williams (who had testified early in the Subcommittee's hearings) to look into Texan cotton allotments, with results highly unpleasant for Estes. It had been Marshall who had exposed Estes' malefactions.

Baldwin P. Davenport, of Sanford, Texas, a farmer who was chairman of the Texas ASC Committee, told the Subcommittee that at meetings in November, 1960, and January, 1961, Marshall had displayed documents related to the Estes case, and had stated that the program was being abused; he would submit the documents to Agriculture's general counsel at Washington. Marshall, doubtful about the legality of these Estes arrangements, would seek advice. Other witnesses testified concerning Marshall's efforts to prevent fraud and to carry on investigation. Marshall had conferred with Dennison and Naylor, Estes' lawyers, telling them that the Estes cotton assignments were invalid and that he could not go along with them. Cross-examination of a witness by Senator Edmund Muskie established the point that Marshall had told Estes' principal lawyer that Estes was engaged in an illegal scheme.

So if Billie Sol Estes were to succeed in his unlawful ac-

quiring of more than three thousand acres of cotton allotment—or, more precisely, if Estes were to escape criminal indictment and Estes' associates were to escape disgrace or worse—something must be done to quiet Henry Marshall, who did not accept gifts. That something happened.

Marshall was found dead on his farm on June 2, 1961. He had been shot five times by his own .22 caliber bolt-action rifle, which measured twenty-nine inches from the trigger to the end of the muzzle. It was a seven-shot gun; for each firing, it was necessary to raise a round knob on the right side of the weapon, slide it forward, and then push it down again. Three bullets, close together, had entered near Marshall's navel; two had penetrated three or four inches to the left. It was clear that for some of these shots, the gun must have been pointed at the victim's left side.

On discovery of the corpse, the local justice of the peace, Lee Farmer, ruled that Marshall's death had been by his own hand. (In Texas, justices of the peace have functions exercised by coroners in most other states.)

Almost a year later, after inquiry into Estes' doings had commenced, Marshall's body was exhumed and a pathologist performed an autopsy saying, "It was not a suicide." The doctor reported that Marshall had a high percentage of carbon monoxide in his blood at the time of death; also a bruise on the left side of his head and a cut over the left eye. The bruise, which had occurred before death, would have been incapacitating, in the pathologist's judgment. Yet in his final report to a district judge, the doctor did not absolutely rule out the possibility of suicide, though stating that in medical probability it had been death by homicide. (On July 19, 1962, the director of the Texas Department of Public Safety sent a letter to the district judge and to Chairman McClellan, stating that Marshall's death could not have been suicide.)

In June, 1963, a grand jury was convened in Robertson County to investigate Marshall's death; it was in session for many weeks, hearing one hundred and thirty-one witnesses. Most curiously, this grand jury sustained the earlier ruling of suicide. Twenty years later, at the end of 1983, this verdict still stood, as Carl Curtis ascertained through correspondence with

the district clerk of Robertson County. But another grand jury, in 1984, would alter this verdict.

After Marshall's death, Billie Sol Estes and his associates claimed that Marshall had approved the Estes cotton allotments, finding their acquisition lawful. An official assisting the general counsel of the Department of Agriculture testified to the Subcommittee that all ASC county committees in Reeves and Pecos Counties alleged that they had been instructed by Marshall—now in no position to contradict them—not to inquire about "displaced owners" of cotton allotments.

Estes had stood to lose two to three million dollars, should his cotton allotments be declared illegal. Growing alarmed, Estes had said he would take up the matter with Secretary Freeman and with the President, if necessary. He and his lawyer had met with Freeman on January 6, 1962, evidence showed; and Freeman then had made a notation to the effect that Estes and his attorney, on that occasion, had stated that they acted in the matter of cotton allotments on the advice of state and county committees, and in conformity to the advice of Henry Marshall.

Dead, Marshall could not refute this pretense that he had approved Estes' scheme and had silenced county committees. It was well for Estes that dead men never rise up.

Billie Sol Estes never was charged with the murder of Marshall, but he went to prison for other felonies. Convicted in 1965 for his fertilizer-tank fraud, he was sentenced to fifteen years' imprisonment. Emerging from prison on parole in 1971, he was convicted anew in 1979 on charges of fraud and tax-evasion. He was released again in 1983, now professing to have experienced an evangelical Christian conversion behind bars.

REVELATIONS OF BILLIE SOL

In March, 1984, twenty-three years after Henry Marshall had been silenced, another grand jury in Robertson County looked into that mystery. Clint Peoples, a United States marshal who had been a Texas Ranger assigned to investigating Marshall's end in 1962, appeared as a witness. Peoples told the grand jury that in 1962 political pressures had been exerted on him to concur in the local verdict of suicide. By a curious coincidence, Peoples had been the federal marshal who had escorted Estes to prison at El Paso in 1979.

In a conversation during that trip to El Paso, Billie Sol had told Clint Peoples that Peoples had been "looking in the wrong direction" in suspecting Estes of Marshall's murder.

Peoples inquired, "Where should I look?"

"You ought to look to the people who have the most to lose," Estes said.

"Washington?" Peoples asked.

"Yes." And Estes had sworn to Peoples that he would clear up the Marshall case for him.

Before the new grand jury in Robertson County, in 1984, Estes professed to do precisely that. He stated that he had contributed heavily to Johnson' s campaign funds; and that Johnson, in exchange, had arranged Estes' illegal transfers of cotton allotments. Clifton Carter, one of Johnson's aides, was deeply involved in this arrangement. The exposing of Estes' cotton-allotment frauds might be ruinous for Carter; it might adversely affect the interests and prospects of Vice-President Johnson—or so Billie Sol told the grand jury in 1984.

The name of Lyndon Baines Johnson had not figured in the hearings of the Subcommittee on Investigations. That name would have to wait until the Bobby Baker investigations years later. Lyndon Johnson was an ill man to cross; yet it was rumored widely during 1961 and 1962 that Johnson-Estes con-

nections existed. Johnson long had been accomplished at dealing with courthouse gangs in Texan rural counties, the sort of people Estes courted. It was rumored in Texas, while Johnson was Vice-President, that Lady Bird Johnson was the major stockholder in Commercial Solvents, a firm manufacturing anhydrous ammonia, which had advanced to Estes nearly one million dollars; that the big finance companies lent money readily to Estes because they knew of his connections with the Johnsons; that Estes bought a plane for LBJ to use in campaigning; that various private meetings had occurred between Johnson and Estes. But none of these reports came within the cognizance of the Subcommittee on Investigations.

Certainly Estes seemed to have powerful but invisible political protectors, until he became quite indefensible. The identity of his chief protector is clear enough today. Estes' daughter, Pam, writes of Estes' fund-raising picnic for Senator Ralph Yarborough in 1961, "Hundreds of people attended that picnic and Ralph Yarborough raised a great deal of money, most of it coming from Daddy—in cash. During that time, Daddy had been supplying Lyndon Johnson with large infusions of cash, not only for his own political needs, but for people Johnson, himself, chose to help. Sometimes, he would send people like Ralph Yarborough directly to Daddy for fund raising help. On other occasions, Johnson would get bundles of cash from Daddy and distribute it himself. Since these transactions were all cash, there is no reliable way of knowing how much money went to Johnson or what became of it." She mentions one cash contribution, its delivery demanded by Johnson of Estes during an early-morning telephone conversation, in the amount of five hundred thousand dollars. It would be a lawyer patronized and recommended by Lyndon Johnson who would defend Billie Sol at his first trial.*

With this recently-revealed relationship between Estes and Vice-President Johnson in mind, Billie Sol Estes' testimony to the Robertson grand jury in 1984 is less astounding than once

* See Pam Estes, *Billie Sol: King of Texas Wheeler-Dealers* (Abilene, Texas, 1983).

it would have seemed. Here is the essence of that testimony, as reported by three newspapers.

When Estes found himself in danger of great financial loss, and perhaps worse, in consequence of Henry Marshall's inquiry into the Estes cotton allotments during 1961, a meeting had been held at Vice-President Johnson's residence in Washington. There were present Johnson, Estes, Clifton Carter, and one Malcolm Wallace.

This Wallace had been a close friend of Johnson's sister Josefa; in 1944 and 1945 he had been president of the student body of the University of Texas. In 1951, Wallace had been convicted of murder in the first degree, in Austin, but had received merely a suspended sentence. When apprehended in flight from the scene of the murder, he had told police that they must let him go—he worked for Lyndon Johnson. (These people, including Josefa, all were in their graves by 1984, except for Estes.)

On that sinister occasion at the Vice-President's residence —so Estes' account to the grand jury ran—Lyndon Johnson feared that if Estes were to fall, Carter would be involved in the ruin. And Clifton Carter knew a great deal about Johnson's confidential affairs. Everything had rested upon the knowledge and actions of Henry Marshall, who could not be corrupted. So Johnson directed that Marshall be killed; and that task was assigned to Malcolm Wallace.

That is what Billie Sol Estes told the Robertson County grand jury in 1984. And the grand jury believed him, or at least believed him enough to reject the finding of suicide that the grand jury of 1963 had accepted. This second grand jury, after testimony from Estes and from Peoples, concluded that Marshall's death had been a homicide; but no person was indicted for the crime, the grand jury's presumption being that the murderers already were dead. In the summer of 1985, a Texan judge ordered that the verdict on Marshall's death be changed officially to "homicide."

Doubtless the jury found Estes' story startling; yet they did not find it incredible. Walter Jenkins, once Johnson's chief assistant, was questioned by newspapermen concerning Estes' testimony before the grand jury. Jenkins said that Johnson and

Estes had met together only twice, and that neither of those times was the sinister gathering described by Estes. Later, questioned again by the press, Jenkins admitted that he might have lied. Jenkins' veracity will be touched upon in the following chapter of this book.

Probably the grand jurors of Robertson County had heard certain persistent rumors of Lyndon Johnson's ruthlessness; and of how certain people, who at various times might have supplied testimony very awkward for Johnson, had feared that they might come to an untimely end. There were unsubstantiated rumors that some such persons indeed *had* come to untimely ends.

Lyndon Baines Johnson was a hard man, avaricious, fiercely ambitious. If he suffered from scruples, few described them. He had accumulated wealth in labyrinthine ways.

Johnson having always an eye to the main chance, on the face of the matter it seems as if he would have sacrificed his assistant Clifton Carter rather than have involved himself in a homicide, that being a risky venture for a Vice-President. Certainly, two years later, he cast off his close associate Bobby Baker, once Baker had become too scandalous to own. Yet perhaps Carter knew too much to be cast aside: indicted, Carter might have talked, for there is plea-bargaining. And the Attorney General of the United States, In 1961, was Robert Kennedy, who had sent Jimmy Hoffa to prison; Robert Kennedy, who detested Johnson. If there is any truth in Estes' story, it was well for Lyndon Johnson that Henry Marshall should cease to be, for the Estes-Johnson connection must remain rumor merely, in 1961.

Billie Sol Estes had been a notorious confidence man, twice convicted. Yet what motive had Estes to shift the blame to Johnson, through testimony that revealed Estes' own complicity in a conspiracy to murder? True, the grand jury of 1984 had granted Estes immunity from prosecution, so far as lay in the grand jury's power; but that was no sure protection. And no man gains advantage from holding himself up to public reproach for high crimes.

More may be learned some day about this crime and the participants in it, although most of the people involved in the

Estes cotton-allotment scheme now are dead or elderly. In 1964, Estes was said by friends of his to have feared for his own life, in prison or out of it, if he should talk while Lyndon Johnson was alive and kicking. And he was said, too, to have taken the Fifth Amendment when questioned by the Subcommittee on investigations out of dread of Vice-President Johnson's efficacy at retaliation.

Also more may be learned, just possibly, about the alleged intention of President Kennedy and Attorney General Kennedy to arrange the assassination of Fidel Castro; and about the part of certain high American officials in the overthrow and murder of President Diem, in South Vietnam; and about other curious fatal events in the years of the Second Camelot. Will there be published, some day, *The Secret History of the New Frontier*? The Congress did not investigate the grim incidents mentioned above; and Chief Justice Warren's investigation of the assassination of President Kennedy was interestingly superficial. The whole truth about that murder, the Chief Justice said, might not be known for a century. How much else lies hidden?

In the case of Estes, the hearings of the Subcommittee on Investigations had limited aims and results. So it is generally with congressional investigations: they cannot possibly be comprehensive, but they may bring to light what ought not to have been hid. A piece of corrective legislation did come out of the Subcommittee's recommendations: Congress established within the Department of Agriculture the office of an inspector-general, with power to report directly to the Secretary.

Yet the muddy Estes trail was ascended no higher than an Assistant Secretary of Agriculture and an Assistant Secretary of Labor. The investigation did not disclose what pressures may have been brought to bear in Robertson County upon a justice of the peace and a grand jury so that they would insist, in defiance of reason, that Marshall had killed himself with a bolt-action rifle, even though his arm could not have extended from muzzle to trigger.

Nevertheless, the Estes investigation did suggest what splendid and frequent grand-scale opportunities for corruption exist within the intricate programs of a government that presumes to be omnicompetent. It did give notice of the trifles—

hats, hams, beef—for which some public officials may be bought. It did reveal, behind the flimsy stage-curtain of the New Frontier, a dreary vista of pestilent backwoods. And, in the light of later evidence, that investigation opened the way to an understanding of how corruption possibly may extend to the highest magistracy in the nation: to Caesar.

Chapter 9

Investigating Bobby Baker: or, The Art of The Cover-Up

THE ASCENDANCY OF THE CONTACT-MAN

Among Senator Curtis' responsibilities during the Johnson administration, one of the more interesting—but also one of the more depressing—was his part in the investigation of the Bobby Baker scandals. The notorious case of Baker demonstrates how a congressional investigation may be frustrated by the influence of executive power and partisan allegiance.

In 1943, a fourteen-year-old boy left his home at Pickens, South Carolina, to become a page in the United States Senate. He was a likable youth of considerable talents, getting along with most folks; as an employee of the Senate, he advanced rapidly.

This young man rose to be chief telephone page for the Democrats. His job was to manage the Democratic cloakrooms and direct the activity of the other pages who ran errands and answered telephone calls. Presently he became assistant secre-

tary to the Democratic majority. In 1955, when Senator Lyndon Baines Johnson, of Texas, was chosen Senate majority leader, this young man—then twenty-six years old—became secretary to the Majority, and so a chief aide to Senator Johnson.

This young man, Robert Baker, was known to everyone as Bobby Baker. His energy seemed inexhaustible; he had the knack of working with people. As secretary to the Majority, Baker was privy to the leadership councils on legislative strategy. Standing at the door of the Senate chamber, he told the Democratic senators what measure was under consideration, and the leadership's position on that measure. He developed an ability to forecast the outcome of close votes in the Senate. A good fund-raiser, Baker served as the unpaid treasurer of the Senate Democratic Campaign Committee from 1957 to 1960.

At the close of the Senate's session in 1956, Senator Johnson had taken the floor to say that Baker's quick intelligence had kept the machinery on the Democrats' side of the aisle "working with smooth precision."

Yet it was a mistake to have as the Senate employee who stood at the door, telling Democrats how their leader would like them to vote, the very person who would play a part in raising and distributing funds to re-elect those Democratic senators. This brought the secretary of the Majority into close relations with every Democratic senator; also it put some of those senators under a feeling of obligation toward Baker. This blunder of inadequately defining the duties of Senate employees may have led to Baker's dubious business activities, achieved through influence-peddling.

When Bobby Baker began as a page in 1943, his salary was $1,460 a year. Yet he soon became a wealthy man. The minority report of the committee that investigated his activities (filed on July 8, 1964) had this to say about Baker's amassing of wealth:

"According to financial statements submitted by Baker, he had a net worth of $11,025 as of May 3, 1954. As of February 1, 1963, Baker claimed a net worth of $2,166,886. It is agreed, however, that this latter figure carried errors and exaggerations. After the known errors are taken into account, Baker's claimed net worth would be $1,664, 287. However, it may well be contended that Baker over-valued his Serv-U Corpo-

ration stock, with its very lucrative contracts in plants having huge government defense contracts, as well as his stock in the Mecklenburg enterprises and his land near Silver Springs, Maryland. If these assets are carried at their actual cost, Baker still would have a net worth of $447,849. It is obvious that these three assets were very valuable and their value had increased considerably over Baker's initial investment.''

The Committee's records show that between January, 1959, and November, 1963, Baker and his associates had borrowed $2,784,338 from lending institutions. These loans had come from twenty-four banks and other lending institutions. The Committee's investigator also reported that Baker's share in approximately six different loans was $1,704,538.

All the time that Baker was making himself a man of wealth, he continued to serve as a most important and influential employee of the United States Senate.

Fred B. Black, Jr., a management consultant whose clients included North American Aviation and Melpar, Inc., and who was associated with Baker in several business ventures, said that the late Senator Robert S. Kerr, of Oklahoma, had told him that outside of his sons and his wife, he never knew and loved a person so much as he did Bobby Baker; that there was nothing Kerr would not do for Baker if he would ask him. Later Black said that he and Baker and the Serv-U Corporation had borrowed over half a million dollars from Kerr's Oklahoma City Bank.

Baker's operations became a subject of some discussion, raising questions in the minds of several senators and Senate employees. Eventually, on September 9, 1963, a law-suit was filed by Ralph L. Hill, president of the Capitol Vending Company, which alleged wrongdoing and the use of governmental influence in Baker's business dealings.

In his suit, Hill alleged that Baker had employed political influence to obtain contracts in defense plants for his own vending-machine firm, called Serv-U Corporation. Hill also charged that Baker had accepted $5,600 for securing a vending-machine franchise for Capitol Vending with Melpar, Inc., a defense plant in Virginia. Hill stated that after Capitol had secured the contract with Melpar, Baker had tried to persuade Capitol

Vending to sell out to the Serv-U Corporation; and that when Capitol refused to sell its stock to Serv-U, Baker had conspired maliciously to interfere with Capitol's contract with Melpar. The suit contended that Baker had told Fred B. Black, Jr., that he, Baker, was in a position to help obtain contracts with the government. Hill said that in return, North American (to which Black was a consultant) entered into an agreement to permit Serv-U to install vending machines in its Californian plants.

The filing of this suit brought to light many unpleasant facts, reflecting not only on Bobby Baker but on those men about him and on the Senate generally.

At this point, Senator John Williams, of Delaware, began to take an active part. Williams was a man beyond reproach, sincere and intelligent and dedicated. During his service in the Senate he was rightly referred to as "the conscience of the Senate." He was an expert investigator, tenacious and courageous. Senator Williams became the prime mover in bringing about the investigation of Baker.

On October 3, 1963, Williams went to Senator Mike Mansfield, the majority leader, and to Senator Everett McKinley Dirksen, the minority leader, and arranged for them to call Baker before the leadership at a closed meeting on October 8. It was Senator Williams' plan to confront Baker with questions about his activities. Bobby Baker never appeared before the Senate's leadership: the day before his scheduled appearance he resigned his post with its salary of $19,600.

Senator Mansfield, announcing Bobby Baker's resignation, said that "Baker has discharged his official duties for eight years with great intelligence and understanding. His great ability and his dedication to the Majority and to the Senate will be missed." Developments during recent weeks, however, Senator Mansfield continued, had made it apparent that it would be best if Baker withdrew from office. "I deeply regret the necessity for his resignation and the necessity for its acceptance."

Senator Williams introduced a resolution calling upon the Committee on Rules and Administration to conduct an investigation of the financial and business interests and possible improprieties of any Senate employee or former employee. On October 10, 1963, the Senate adopted this resolution by voice

vote.

The Committee on Rules and Administration was made up of nine members, six Democrats and three Republicans. The Committee's chairman was B. Everett Jordan, Democrat, of North Carolina. The other Democratic members were Carl Hayden, of Arizona; Claiborne Pell, of Rhode Island; Joseph Clark, of Pennsylvania; Howard W. Cannon, of Nevada; and Robert C. Byrd, of West Virginia. The Republican members were John Sherman Cooper, of Kentucky; Hugh Scott, of Pennsylvania; and Carl T. Curtis.

This Committee held its first meeting for the Baker investigation on October 29. Senator Williams, testifying in closed session, recommended that the Committee investigate the FBI files of a deported East German woman, a Mrs. Ellen Rometsch (otherwise known as Elli Rometsch), who had been identified in news stories as a "party girl" associating with lobbyists and members of Congress. He urged also that the Committee look into Baker's transactions with the Mortgage Guaranty Insurance Corporation; into the large sums of cash given by Bobby Baker to Mrs. Gertrude Novak, wife of a business partner of Baker; into the vending contract referred to in Hill's suit against Baker.

Additionally, Williams recommended that the Committee investigate circumstances surrounding the rapid growth of the Serv-U Corporation, Baker's company; charges against Baker with reference to irregularities connected with the Senate payroll of pages and other employees working under Baker; Baker's brokerage-fee from the Haitian-American Meat Provision Company. The Committee should look into the transactions between Baker and Don Reynolds connected with Reynolds' selling of insurance to Senator Lyndon B. Johnson, Williams continued. The Committee should check the performance-bond for the building of the stadium at Washington.

Having heard Senator Williams, the three Republicans on the Committee requested that the Committee hire outside counsel to conduct the investigation. This move was opposed by the six Democrats on the Committee. Chairman Jordan, presently yielding to public pressure, announced on November 13 that L. F. McLendon, a lawyer from Jordan's home state of North Carolina, was appointed outside counsel.

The Committee on Rules and Administration needed to agree on some procedures. In this the Committee received considerable help from the Subcommittee on Investigations of the Government Operations Committee, headed by Senator John McClellan, of Arkansas. McClellan had followed a procedure of first calling a witness—particularly a controversial witness—in a closed session of the Committee, to inform the Committee what to expect and how to frame their questions. Later the witness would be called in public session. In the investigation of Baker, this rule was not followed, as we shall see later in this account of the great cover-up.

Bobby Baker was a highly successful contact-man. During and after the Second World War, on either side of the Atlantic, the contact-man loomed large. Contact-men existed primarily to obtain for their clients and themselves some share of the vast pool of riches in the possession of swollen centralized political bureaucracies. The more impressive a contact-man's political connections, the better he and his clients would fare. Professor W. L. Burn, in England, well described this international phenomenon:

"One may imagine the stage festooned with forms, applications for licenses, refusals of licenses, checks that failed to command confidence and agreements that failed to produce the desired result. Music is supplied by the ringing of the telephone, the prelude to ambiguous and improbable conversations; and through the half-lit jungle, from public dinner to government department, from government department to sherry party, glides the contact-man, at once the product and the safety-valve of this grotesque civilization."

In Washington, Bobby Baker had become a principal actor in such tragi-comic dramas.

JOHNSON, BAKER, JENKINS

Baker was called as a witness early in the investigation, appearing both in a closed session and in a public session. He had received a subpoena directing him to appear and to produce certain documents. Senator Curtis requested him to submit the required records. Baker refused. The following extracts from the Committee's hearings may suffice to suggest Baker's response. (It should be remembered in this connection that a witness's refusal to answer on the ground that he might incriminate himself raises a legitimate presumption that indeed the witness has committed some act which might subject him to a criminal prosecution.)

Replying to Senator Curtis, Baker refused to produce the desired records. He declared that he had so informed the committee earlier, and therefore should not have been called back to repeat his position.

"Today's proceedings are an unconstitutional invasion by the legislative branch into the proper function of the judiciary," Baker argued. "I do not intend to participate as a defendant witness in a legislative trial of myself, when my counsel has no right to cross-examine my accusers, or summon witnesses in my defense, and when the testimony has been taken both in secret and in the open."

Baker continued that the records were not "pertinent to any *bona fide* legislative purpose." A case pending in the U. S. District Court of the District of Columbia, he mentioned, involved some of the documents called for. "I am presently being investigated by two agencies of the executive branch, the Federal Bureau of Investigation and the Internal Revenue Service. To force production of these records against this background would be to do indirectly for these agencies what they cannot lawfully do direct." Moreover, his "privacy of communication" had been invaded by government personnel, so he

was refusing to provide any additional information to government agents. Baker concluded by invoking "the protection of the first, the fourth, the fifth, and the sixth amendments of the Constitution, and I specifically invoke the privilege against self-incrimination."

So it went through the questioning of Bobby Baker. Altogether, he "took the Fifth" in response to a hundred and twenty questions.

Senator Curtis asked him, "Will you advise the committee whether or not you acquired the cash referred to by Mrs. Novak in the course of your duties as secretary to the Majority of the U. S. Senate?" Baker "stood on his previous answer"—that is, refused to answer the question.

Later, Curtis inquired, "Mr. Baker, a previous witness, Mr. Hill, testified under oath that he paid to you the sum of $250 for a number of months for the purpose of securing and keeping a contract which his company, the Capitol Vending Company, had with a government-contracting defense plant. Will you advise us whether or not Mr. Hill's testimony is true?"

Baker refused. Still later, Curtis told him: "Now, Mr. Baker, I hope that you will consider this question carefully, and the rights of all people involved. The witness, Mr. Don Reynolds, has testified that he gave to one Lyndon Johnson a hi-fi set costing something over five hundred dollars. Statements have been made elsewhere that you were the giver of the gift. Will you tell this committee whether or not you made that gift?"

Baker refused. Then came a related key question from Senator Curtis:

"Mr. Baker—Mr. Reynolds, while under oath, testified before this committee concerning this hi-fi gift. He produced certain canceled checks and invoices. He also testified that he purchased $1,200 worth of television time on a TV station in Austin, Texas. My question is: did you have any part in that transaction?"

Baker refused to answer that question, too, and many more.

It became clear in the course of the investigation that Baker's secretary, Nancy Carole Tyler, had assisted Baker in business transactions handled in his office and during his travels; and that she had handled funds involved in these transactions.

Subpoenaed, Tyler was asked by McLendon, the Committee's counsel, certain important questions. Counsel inquired about trips made by Baker to Los Angeles in connection with the business of the Serv-U Corporation; and when Tyler had resigned her position with Baker, secretary to the majority. Tyler refused to answer on the ground that she might incriminate herself.

The Committee learned no more from Carole Tyler; before the investigation ended, Tyler died suddenly and somewhat mysteriously in an airplane crash on the beach near the Carousel Motel, owned by Bobby Baker.

The key witness in the investigation was Don Reynolds, an insurance agent in the Washington area. He and Baker had been friends, and Baker was an officer in Don Reynolds, Inc., although Baker had not supplied any money for the forming of that company. Reynolds had been associated in, or was familiar with, many of Bobby Baker's transactions that were under investigation. After consulting with his wife and with Senator Williams, Reynolds decided to testify in full, under oath, whenever called upon by the Committee.

Reynolds said that he had sold insurance on the life of Lyndon Baines Johnson in the amount of two hundred thousand dollars; and that he had to make a "kickback" on the premium he received. The transaction with Johnson had been conducted through Walter Jenkins, a close aide to Johnson. (Jenkins later was disgraced by his arrest for soliciting homosexual acts in the men's room at the YMCA, late in 1964.) Baker had arranged Reynolds' appointment with Jenkins. Facing competition, Reynolds had bought $1,208 in advertising on Johnson's television station in Austin; Reynolds had re-sold this advertising contract, losing $1,100 on the deal. (This "kickback" arrangement had occurred while Lyndon Johnson still was senator from Texas.)

"Why did you purchase the television time?" Senator Curtis asked.

Mr. Reynolds: "Mr. Jenkins, in his discussion with me, showed me a letter from Mr. Huff Baines, indicating that if he had the privilege of writing...that he would purchase so much advertising time on the local station, KTBC."

Under more questioning from Curtis, it turned out that

Station KTBC, in Austin, was owned by the LBJ Company. Reynolds went on: "And I told him that although I might not be able to do the same as far as dollar volume, that I would do the best I could, consistent with the fact that the contract I had offered him was the most favorable, if you exclude any question of advertising, sir."

Curtis proceeded to obtain from Reynolds the testimony that Walter Jenkins had informed him he was expected to buy advertising from Lyndon Johnson's television station if he wanted the insurance contract. He had sold the contracted advertising time to Albert G. Young, president of Mid-Atlantic Stainless Steel, "because I saw no use whatsoever for Don Reynolds, who was unknown in Texas, sir, to get people to listen to something they had no interest in, nor could they." Walter Jenkins had confirmed this deal by telephone to Young, whose firm sold pots and pans. After Jenkins had called him, Young went to Austin and utilized the advertising facilities of KTBC; this was corroborated by Young's canceled checks, invoices, and correspondence, shown to the Committee.

This testimony obviously alarmed the majority members of the Committee and the Committee's counsel. At the time of this investigation, Lyndon Baines Johnson was President of the United States; Walter Jenkins was one of the President's aides in the White House, handling much of Johnson's private business. Lyndon Baines Johnson had entered Congress a man of very modest means; but by the time he assumed the presidency, he was a very rich man.

A principal source of Johnson's wealth appeared to be the television station he had acquired in Austin. KTCB was the only television station licensed in Austin; and every other city in the United States, the size of Austin, had at least two television stations. Such licenses were issued by the Federal Communications Commission, upon which political influence might be exercised by persons in power not overly scrupulous. How had Johnson and his family obtained a monopoly of Austin television? To what additional awkward testimony about KTCB might the statements of Reynolds and Young lead if this subject should be pursued?

Therefore, in an effort to prevent Walter Jenkins—former

Senate employee, now a White House aide—from being called before the Committee to give sworn testimony, Counsel McLendon had Jenkins sign an affidavit: an affidavit unique in that Jenkins swore to the truth of a memorandum which was written by the Committee's chief counsel and chief investigator. This curious memorandum, referring to Jenkins, stated, "Nor does he have any knowledge of any arrangements by which Reynolds purchased advertising time on the TV station."

Unimpressed by this remarkable document, Senator Curtis further questioned Reynolds. "Well, then," he asked the witness, "do you agree or disagree with this statement of Jenkins that Mr. McLendon, our counsel, has put in the record, as a statement, not of oral testimony but sworn to before a notary public: 'Nor does he have any knowledge of any arrangements by which Reynolds purchased advertising time on the TV station.' You would disagree with that?"

Reynolds disagreed completely with the statement. In further testimony, it was learned that Huff Baines, of Austin, Reynolds' alleged competitor for the sale of insurance to Lyndon Baines Johnson, was a cousin of Johnson, and had sold a number of policies on the lives of people connected with the LBJ Company. Even though Reynolds had offered a better insurance contract than Baines had, it appeared, he had been required to provide advertising revenue to the Johnson station and the gift of a high-fidelity set as sweeteners, lest the contract be awarded to kinsman Baines. And Baker had made the deal.

Throughout these hearings, the Republican members of the Committee—Cooper, Scott, and Curtis—repeatedly endeavored to have Walter Jenkins called as a witness. Jenkins had been employed by Johnson for years. It was well established that he had handled many of Johnson's business concerns. The information given to the Committee by Reynolds clearly conflicted with the memorandum to which Jenkins had subscribed. This could be resolved only by calling Jenkins as a witness.

On March 23, 1964, occurred a roll call on the question of calling Jenkins; the vote went along party lines. Why did these six prominent Democratic senators, several of them leaders of their party, vote against hearing and cross-examining

Jenkins? After all, this elusive Jenkins had been an employee of the Senate; he enjoyed no senatorial immunity, nor was he the beneficiary of the usual "senatorial courtesy" tradition. The determined and successful fight by the Committee's majority to prevent the receiving of Jenkins' testimony may have been waged not to protect Walter Jenkins or Bobby Baker, but rather Jenkins ' principal—Lyndon B. Johnson.

The purchase of time on the LBJ broadcasting station was not the only kickback required of Don Reynolds for selling insurance on Lyndon Johnson, for Reynolds was requested to provide a hi-fi set for Senator Johnson. Reynolds, questioned by McLendon, stated that he had bought a Magnavox stereo set, costing him $584.75, and installed it in Senator Johnson's Washington residence (also paying for the installation) in 1959. But Mrs. Johnson had found the set unsatisfactory: it did not fit the space for which she had intended it. In response to questioning from two Democratic senators, Reynolds made it clear that Bobby Baker had told him to give the set to Senator Johnson, and that Johnson knew Reynolds to be the donor.

At a news conference, Johnson had told a reporter that the set was a gift from Bobby Baker. There were two witnesses who might clear up the questions as to whether the set was given by Baker or whether it was an obligation put upon Reynolds for his opportunity to sell life insurance to Johnson. Those two witnesses were Baker and Jenkins. Baker took the Fifth Amendment, refusing to testify on the ground that he might be incriminated. Walter Jenkins, protected by the Committee's majority, was not called to testify.

Later that year, in the closing days of the Johnson-Goldwater race for the presidency, television technicians in Los Angeles wore a large round button, on which was inscribed the legend, "Johnson, Baker, Jenkins. The family that plays together stays together."

MASTER BUILDERS, VENDING MACHINES, AND MOTELS

In terms of money, the affair of the hi-fi was a small matter by the side of the scandal about the construction of the stadium in the District of Columbia. Its builder was Matthew McCloskey, treasurer of the Democratic Party for a long period, and at the time of this investigation the ambassador to Ireland. Bobby Baker and Don Reynolds had been involved in the stadium scandal, as had been William McLeod, at that time clerk of the District of Columbia Committee of the House of Representatives. That Committee handled the legislation required for the building of the stadium.

Questioned by McLendon, Don Reynolds revealed that in the spring of 1960 he had participated in a meeting at Bobby Baker's office, called by Baker, attended also by McCloskey, McLeod, and Congressman John M. McMillan. McCloskey received the contract for the stadium, and Reynolds, as a broker, wrote the bond for the contract, with a premium on the bond of $73,631. Reynolds' commission on this performance bond was slightly more than ten thousand dollars. Shortly thereafter, Reynolds paid Bobby Baker the sum of four thousand dollars, "in compensation for his services in connection with the procurement of that bond." In addition, Reynolds was billed by William McLeod, clerk of the House District of Columbia Committee, for "legal services" in connection with the bond, for the sum of $1,500, which Reynolds paid. The two clerks for Senate and House did well out of the bond contract for the stadium, with the knowledge of the contractor and a member of the House.

So the minority on the investigating committee pressed for calling Ambassador McCloskey to testify. He would be asked to give his version of that meeting in Baker's Capitol office; and why the performance bond for the stadium was handled by Reynolds as broker, when the firm actually acting as agent for

the bond was Hutchinson, Rivinus, and Company, with which Matthew McCloskey's son-in-law was associated. He would have been asked, too, what he knew about Reynolds' kickback of four thousand dollars to Baker, and about other kickbacks, including the payment by Reynolds to McLeod. McCloskey had erected many other costly government buildings; he would have been asked what dealings, if any, he had had with Baker or any other Senate employee, or any senator or former senator, in connection with other government contracts for construction.

Senator Curtis asked that McCloskey be called. The Committee's chairman responded, after discussion, "Well, I'm going to be forced to rule that it is not pertinent to what we are doing here and we pass to the next one and we call the roll on this." The three minority senators voted to call Matthew McCloskey; the six Democrats voted against it. McCloskey did not testify at that time.

That stadium cost the government a great deal of money; the total bill came to nearly twenty million dollars. Bobby Baker obtained his share.

Throughout the period we have been discussing, Baker, through his Senate employment and the influence it brought him, was amassing a fortune in his Capitol office. Federal departments, officers in the executive branch, senators and their staffs—all took it that Bobby Baker was speaking as agent for the majority leader of the Senate, Lyndon Johnson. Never was any notice given that Baker might not be speaking for his employer. It was obvious that he could prevail upon government offices to grant licenses and permits, or to enter into contracts, because he spoke as secretary of the Senate—not as a mere private citizen.

So great a dignitary as Bobby Baker found numerous opportunities—and varied ones—to enrich himself. Consider vending machines.

During and after the Second World War, the vending-machine business had grown a great deal. Machines were installed in factories with thousands of employees, and sold cold drinks, coffee, sandwiches, and candy; also hot chocolate. Factory management would contract with a vending company for

the installation of machines. If Bobby Baker were to say a good word to a manufacturing company with government contracts, to the effect that the company would do well to place a vending contract with certain persons, his influence would be felt.

The Committee's investigation of Baker had been initiated because of the suit of one Ralph Hill, proprietor of the Capitol Vending Machine Company, against Baker. Testimony taken by the Committee—Counsel McLendon asking the questions—shows how the secretary to the Senate operated.

Hill testified that Bobby Baker, in February, 1962, had taken the initiative in this vending-machine affair by asking Hill to meet at the University Club with him and Eugene Hancock, who was involved in the vending business in Florida. At that rendezvous, Baker asked Hill to take Hancock to the firm of Melpar, Inc., near Four Corners, Virginia. Hill had not previously visited the premises of Melpar, nor did he know any of that firm's officers. Complying, Hill and Hancock were received at Melpar by a man named Bostick, Melpar's president, and Bostick's assistant, a man named Weid.

Bostick told his guests that he had promised Bobby Baker a contract; and he instructed Weid to show the visitors anything pertaining to this vending contract. This contract was with Baker himself, not with a friend of Baker. A local vending company, at the time, was serving Melpar with vending machines.

On their way back to Washington, Hancock told Hill that his own firm would not be interested in contracting with a small company like Melpar: "They were interested in big things, like North American." Hill was given to understand that the door was left wide open for Hill himself to make a proposal for a Melpar contract, perhaps without having to compete in bidding with the local vending firm, G. B. Macke.

Hill did make a proposal from his Capitol Vending to Melpar; it was accepted by Melpar on March 23, 1962. And soon Hill learned that he was required to make a cash payment to Bobby Baker, who in person told him, "if the contract was valuable to us, we were making money out of it, and he wanted a thousand dollars a month. And so we argued back and forth, and we settled for $250." This monthly tribute, in small bills, Hill delivered personally to Baker in his office, "usually hav-

ing to wait for him." Baker regularly counted the money in Hill's presence to make sure that other people were honest.

But Hill's Capitol Vending received some compensation for this additional cost of doing business. Through Baker's intervention, Melpar found it expedient to grant to Capitol Vending what they had refused to grant before: a price increase at the plant for drinks from the machines, five to ten cents; and authorization to install hot chocolate in the machines. Thus, in effect, the employees at Melpar paid for Bobby Baker's monthly retainer. To parody a children's Sunday-school song,

"Hear the nickels dropping, listen as they fall;
Every one for Bobby's sake; he will keep them all."

Capitol Vending's increase of net income because of this plum amounted to more than two thousand dollars a month. Baker then inquired of Hill, "Now, do I get my thousand dollars a month?" After bargaining, Hill agreed to pay Baker thereafter $650 monthly.

But Baker was dissatisfied with such small potatoes from Capitol Vending; there were bigger fish to fry. Baker proceeded to organize himself a new vending-machine firm, the Serv-U Company. Quite promptly, Serv-U ousted the existing machine vendor at the North American Aviation Company, in California. This was accomplished when Serv-U had no contract anywhere else, and indeed did not own a single machine or a single sandwich. But we will turn to that contract later; just now we continue with Hill's account of the Melpar contract.

In reply to McLendon's questions, Hill related that about the first week of April, 1963, Baker telephoned him that Capitol Vending was about to lose the Melpar contract; Serv-U would replace Capitol at Melpar. A meeting followed, at which Baker informed Hill "at least ten or fifteen times," obdurately, "You are going to lose Melpar. Mr. Bostick doesn't like you." Serv-U, supplanting Capitol, would try to pay Capitol some compensation.

The testimony was clear that Baker himself placed the Melpar contract for Hill's company, and that Baker was able to obtain price increases and other concessions for Hill after nobody else had been able to persuade Melpar to raise machine prices to its employees. (A previously-refused concession to vend hot

chocolate tasted particularly sweet to Hill.) What hold Baker had on Melpar and Bostick never was made wholly clear, except that Melpar profited from government contracts.

Curtis questioned Hill: "So Mr. Baker gave and Mr. Baker took away: Is that right? He was the one you got the contract through originally?...And the first word that you were going to lose it came from Baker?"

"Correct," said Hill, in response to both inquiries.

The ingenious Baker was carrying on many activities. He was in the real-estate business, and one of the people involved in building the Carousel Motel at Ocean City, Maryland (where later Carole Tyler came to her violent end). Baker's partners in the Carousel venture were two brothers named Novak.

When funds were required for the purchase of land and for construction, often Baker would produce the money in cash. Mrs. Gertrude Novak, whose late husband had been Baker's partner, testified to the Committee that she frequently would obtain funds from Baker to pay current bills for the Carousel project. She stated that she was frightened by the large sums of money handed to her, usually in hundred-dollar bills. On one occasion, twelve thousand dollars in hundred-dollar bills was handed to her at Baker's office. Miscounting, Baker gave Mrs. Novak almost a thousand dollars too much. Carole Tyler, Baker's secretary, put the surplus back into a filing drawer.

"Music is supplied by the ringing of the telephone;...from government department to sherry party glides the contact-man, at once the product and the safety valve of this grotesque civilization."

THE INVESTIGATION REVIVED

The investigation of Bobby Baker had begun late in October, 1963. By March, 1964, the six Democrats on the Committee had determined that the investigation must end. Until that month they never had called a single witness requested by the minority members. Senator Hugh Scott, addressing the Senate on March 16, 1964, put the situation well: "The majority members of the committee have been on the brink of ending the investigation as soon as they thought they could do so without incurring the wrath of the American public."

Concerning this question, a most interesting meeting of the Committee was held on March 13. Senator Curtis offered, in the record, a letter signed by the three minority members, which he had delivered to the Committee's chairman on March 9. In this communication, the minority asked that more witnesses be called. Three of these proposed witnesses were Senate employees: Margaret Broome, Rein J. Vander Zee, and Jessop McDonnell, closely associated with Baker in his duties. Other witnesses asked for were people who had business transactions with Baker, or who were officers or partners in Baker's several enterprises: they were Matthew McCloskey, Max Kampelman, Paul Aguirre, Warren Neil, Charles Baker, Nick Popich, and two men connected with Riddle Airlines.

In connection with Reynolds' disputed testimony and the refusal of Baker to testify, the minority asked that Walter Jenkins and George Sampson also be called.

Curtis then asked that a copy of the affidavit of Milton Hauft, of March 12, 1964, be placed in the record. At this point McLendon, nominally counsel for the Committee but more realistically counsel for the majority, declared, "Mr. Chairman, I do not think that affidavit ought to go in the record."

Curtis replied, "I'll read in the record," to which McLendon responded, "Wait a minute!" There followed a live-

ly discussion, in which Curtis challenged the right of a Senate employee to overrule a senator. Insisting, Curtis began to read. The Chairman said "Wait a minute," to which Curtis answered, "I am on the record;" and to the reporter, "You take this down." He then succeeded in reading the affidavit:

"I, Milton L. Hauft, living at 3801 Archer Place, Kensington, Maryland, do give this affidavit to Senator John J. Williams, of Delaware, of my own free will.

"On this date I was called to the Internal Revenue Service to give information relative to tax returns I had prepared for Robert G. Baker.

"During the course of presenting the information in my possession, I was questioned about some partnership tax returns prepared for the Carousel Motel. During the course of my association with Mr. Baker, I had never prepared any returns for the Carousel Motel. When presented with the return by the Internal Revenue Service, I noted that the signatures purported to be mine were forgeries.

"As a result of this, I went back to the personal returns for Mr. Baker prepared by me, and on looking at the signatures on these returns I noted that the signatures as to the person preparing those returns were also forgeries and were not my signature.

"This was reported immediately to the investigators of the Internal Revenue Service, and samples and specimens of my handwriting were also presented to them for matching purposes."

This disclosure of tax-evasion and forgery set the Committee's majority back on their heels. Some twelve hours after Counsel McLendon had received a copy of the Hauft affidavit, he delivered a report to the Committee, setting forth the plan of the majority to end the investigation. McLendon's sentences seem wondrously inappropriate:

"I think two conclusions may be drawn from this extensive investigation. First, it is highly unlikely that any additional evidence can be found materially differing from the type of evidence already placed in the record of the committee's hearings; and second, that it is a reasonable certainty that any additional evidence which can be produced will be repetitive and cumulative. If evidence differing substantially from the pattern

of evidence already presented is in evidence, surely it would have been discovered in the course of the investigation." McLendon concluded by recommending that investigations into the activities of past or present Senate employees should cease, and that the Committee's staff immediately begin to prepare the Committee's report to the Senate.

A Committee meeting was to be held to consider McLendon's recommendations. It turned out that Chairman Jordan already had prepared an advance news-release, to be issued after the anticipated meeting had concluded. The six Democratic senators seemed determined to close their eyes and ears to any additional evidence, though they had called not one witness requested by the minority. That abortive news-release —as matters turned out, never issued—stated that "the committee voted 6 to 3 to follow Major McLendon's recommendations."

On the Senate floor, Senator Scott commented concerning this: "How clearly this proves that the evidence offered by minority senators over a three-hour period had been rejected before they had even been heard!"

After controversy arose in the Committee hearing on March 13, Counsel McLendon added these words to his recommendation: "...except as to the matter relating to Mr. Hauft's affidavit presented to the committee on this date...."

The investigation did not terminate quite so abruptly as Counsel McLendon desired. Curtis, leaving a closed session of the Committee's meeting, had read to the press McLendon's recommendation that the investigation be terminated and the staff disbanded. That gave the majority pause; and rather than dissolving itself, the Committee proceeded to consider whether it should receive testimony from those additional witnesses named by the minority.

In the course of this heated meeting, the question of what testimony is relevant was discussed. Rule 19 provided that if any member of the Committee should request the appearance of a particular witness, that witness should be called unless the chairman of the Committee should find the proposed testimony to be irrelevant; if he should so find, there must be a vote of the members.

It will be recalled that Bobby Baker, in his refusal to testify, argued that the investigation had no legislative purpose, and therefore he did not have to produce his records. The minority members of the Committee had pointed out repeatedly that although there are court decisions to the effect that a congressional committee does not have the power to expose for exposure's sake, and that such committees are limited to taking testimony that may serve a legislative purpose, this Baker case was different.

For whether or not the Baker investigation might lead to legislation, the purpose of the investigation was to investigate wrongdoing among senatorial employees, and possibly among senators. Congress possesses the unchallenged power to determine its own procedures and to clean its own house. The Senate had directed its Committee on Rules and Administration to look into wrongdoing within the Senate's own immediate jurisdiction. Therefore the testimony of any witness who might know about malfeasance in office would be relevant testimony. The court decisions about calling citizens to appear before congressional committees were intended as protections against general "fishing expeditions" by such committees; those decisions did not apply to congressional management of Congress' own immediate internal concerns. Investigations of that sort may have no legislative purpose in view, and yet be proper and necessary investigations.

Let us look at these witnesses whom the minority on the Committee wished to have called to testify—and whom the majority of senators on the Committee wished not to hear.

Mrs. Margaret Broome had served as Bobby Baker's secretary before that position was taken by the pretty and ill-fated Carole Tyler. The record clearly indicated that some of Baker's transactions requiring investigation had taken place while Mrs. Broome had been Baker's secretary. At its meeting on March 23, the six majority members of the Comittee voted not to hear Mrs. Broome's testimony, and the three minority members to hear her. Mrs. Broome was excluded.

The next witness-name on the list was that of Rein Vander Zee, who had been employed by the Senate in various capacities for some years. He had been assistant to Bobby Baker when

Baker had been secretary to the Majority, maintaining a desk in the outer office of Baker's Capitol suite. In his statement, Vander Zee revealed that he had seen Don Reynolds in Baker's office; that he had been in Baker's house often; that he had attended a gathering in the home of Carole Tyler, who had lived in a house provided by Bobby Baker. Vander Zee also acknowledged that he was acquainted with Ralph Hill, had lunched with him, and had discussed with Hill the vending business and the Serv-U Corporation. Members of the Committee were aware that Vander Zee had discussed with other senatorial employees problems that had arisen about their pay and alleged kickbacks; and that Vander Zee knew of many telephone calls by Baker, and had traveled with the Baker crowd to the opening of Baker's motel at Ocean City.

Nevertheless, Chairman Jordan ruled Vander Zee's testimony irrelevant; and the majority of the Committee sustained Senator Jordan. Six to three, the Vander Zee testimony was excluded.

The next witness considered was Jessop McDonnell. Senator Cooper pointed out that McDonnell had said he had disliked Baker's way of doing things, and had been fired as an assistant to Baker. McDonnell desired to appear before the Committee. Jordan ruled McDonnell's testimony irrelevant, without troubling to learn what that testimony might be, and was sustained, six votes to three. McDonnell was excluded.

Matthew McCloskey, who had built the stadium and become ambassador to Ireland, had been mentioned repeatedly in Reynolds' testimony. During discussion of whether McCloskey should be called as a witness, it was disclosed that the cost of the stadium had been fixed in 1957 at six million dollars; but that a year later Congress had passed a bill removing this cost-ceiling. The stadium contract had been awarded to McCloskey's company in August, 1960. McCloskey's low bid had been fourteen million dollars, but plan changes raised costs by three million dollars; so payments to McCloskey had brought the total cost of the stadium to nearly twenty million dollars. Regardless, McCloskey was excluded from testifying, six to three.

The next possible witness was Paul Aguirre, who had trav-

eled with Baker. They went together to New Orleans, where they looked into the possibility of participating in a housing development. They had stopped to look at a plot of land near the Shamrock Hotel, Houston. Also they had considered together a proposal for setting up trailer parks. Information had been given to the Committee that Baker had intervened on Aguirre's behalf with reference to a matter before the Federal Housing Administration. Aguirre's statement to the investigators informed the Committee that he met Baker, Carole Tyler, and Elli Rometsch, the party girl. Chairman Jordan ruled all this not pertinent to the Committee's business. Five to four, Aguirre was excluded as a witness. Incidentally, Aguirre had declared that had he been asked anything about what had taken place in New Orleans, he would have taken all the constitutional amendments, from the First to the Twenty-Eighth. (In the case of Aguirre, Senator Byrd voted with the Republican members of the Committee.)

Then the Committee discussed the possibility of calling Warren Neil as a witness. Baker and Neil had been close friends. Neil had resided in Puerto Rico, and always had looked up Baker on trips to Washington. Neil had been Baker's host in a company apartment in Puerto Rico. Along with Aguirre, Neil had endeavored to find money from the labor unions to finance some of Baker's projects. Neil had conferred with Baker on means of reaching certain union leaders. Also Neil and Baker had talked about establishing a title-insurance company in Puerto Rico. Chairman Jordan ruled testimony by Neil irrelevant, and was sustained, six votes to three. Neil was excluded.

What about Nick Popich, of New Orleans? He and Baker had been together several times, and had made many telephone calls to each other: the Committee had such information. Popich owned, among other things, a New Orleans restaurant, and was involved in constructing a pipeline in Washington. Baker was involved in an organization called the Pansatic Corporation. Popich had sent a thousand dollars in payment for stock in that corporation. The money had been returned to Popich; Counsel McLendon said that evidence suggested that the Pansatic stockholders didn't want Popich. Senator Curtis inquired whether this was because of Popich's bad reputation;

McLendon replied that this was implied. The Committee's minority believed that Popich's testimony might bear on reports that "hot" money from gamblers and underworld characters had been funneled through Baker. Chairman Jordan held testimony by Popich irrelevant, and was sustained five to four, Senator Byrd again voting with the minority. Popich was excluded.

Walter Jenkins' testimony was more needed, in the opinion of the minority, than that of any other possible witness. Reynolds and Young had testified to Jenkins' participation in the kickback for sale of insurance policies to Lyndon Johnson. Only the testimony of Jenkins might have refuted that of Don Reynolds. Senator John Sherman Cooper, once a Kentucky judge, with much knowledge of the law and a judicial temperament, made a strong statement as to why Jenkins should be called as a witness. Nevertheless, the Committee voted six to three not to call him. Jenkins was excluded.

The next day, the Committee denied, six to three, a motion to recall Don Reynolds as witness. His testimony had been given earlier in executive session, not in public session; it was highly important testimony, worth reviewing in the light of testimony by others. Reynolds had been subjected to repeated attacks by the Committee's majority. Reynolds was excluded.

Now the minority sought to call Max Kampelman, a former Senate employee, friend to Baker. He was one of the founders and organizers of the District of Columbia National Bank. Baker had subscribed to 1,700 shares in that undertaking, and had been allocated 1,500. Baker's stock was in Baker's name, but he had purchased a third of it for Fred Black, who had been involved with Baker in several transactions, among them the Serv-U Corporation. Another third of the Baker stock was for Edward Levinson, of Las Vegas, who took the Fifth Amendment; and the remaining third was for Benjamin S. Siegelbaum, of Miami, who also pleaded that he would not testify because he might incriminate himself. From this District of Columbia National Bank, Baker had borrowed $125,000 on an unsecured note. Testimony showed that Max Kampelman knew about this loan; Kampelman was counsel to the Bank, and a director. Baker had asked Kampelman how he, Baker, might buy stock

in this bank. But the Chairman ruled that Kampelman should not be called, and was sustained by a vote of five to four, Senator Byrd voting with the minority. Kampelman was excluded.

Then the name of Deane Beman was proposed as a witness. Senator Curtis said, "According to the committee counsel, the witness Hill had a conversation with Beman in which Beman was alleged to have said that he knew how Hill got the contract with Melpar. Beman refused to talk to our investigator. There was valid reason for our investigator going to see him. His testimony was both relevant and needed." Senator Cannon, acting as chairman, ruled that Beman's testimony would be irrelevant. Six to three, the chair was sustained. Beman was excluded.

Should not Paul Ferrero be called to testify? Senator Scott put the case: "We have an interview on Mr. Ferrero which I would like to see. He is the Deputy Commissioner, Federal Housing Administration, who was called by Mr. Baker on behalf of Aguirre to obtain approval of a project in which Mr. Aguirre was interested, and I believe Mr. Ferrero either ruled against it or informed Mr. Baker that there was a ruling against it. I think his testimony would be interesting and valuable as showing whether Mr. Baker sought to influence Mr. Ferrero's decision, whether Mr. Baker's approach to him was on behalf of a client or whether it was made as secretary to the majority. We are investigating, among other things here, the improper use of influence...." Counsel McLendon advised Senator Cannon, in the chair, that Ferrero's testimony would not be material. Five to three (Senator Byrd not voting), Ferrero was excluded.

Baker had been involved in Hampco (Haitian-American Meat Provision Company), a firm exporting meat from Haiti to Puerto Rico. Hampco was owned by the Murchison interest, headed by Clinton Murchison, Jr., of Dallas and New York. Strong evidence existed to the effect that Bobby Baker had negotiated with the Department of Agriculture in connection with Hampco's application for authorization to ship meat to Puerto Rico; also that Baker had received substantial sums of money through the good offices of the Murchison interest, amounting in one year to eight or nine thousand dollars. The

instrument for this payment had been a kickback commission from a William E. Kentor, of the Packers Provision Company, Inc., a Chicago firm. Baker's law partner gave evidence that Baker himself got all the money from this Hampco transaction. The Committee's investigators could find no substantial services rendered by Baker to Hampco. Was the Hampco kickback to Baker payment for the use of his influence with the Department of Agriculture? Or might it have amounted to payment by Murchison to Baker for some other mysterious favor extended by Baker to the Murchison interest?

At last the Committee agreed to hear the testimony of William E. Kentor, who had purchased meat from Hampco. On all meat delivered to him by Hampco, Kentor said at the Committee hearing, Kentor had agreed to pay a half-cent per pound to a law firm known as Baker and Tucker, in Washington. This agreement had been negotiated in Haiti with a Marshall Dancy, representing Hampco.

At this testimony, the Committee's minority pressed for calling Marshall Dancy as a witness, so that they might explore this odd Baker transaction. The Chairman held that Dancy's testimony would be irrelevant. Five to three, Senator Byrd again not voting, the chair was sustained. Dancy was excluded.

Here testimony at the Committee's hearings ended. The numerous additional witnesses sought by the minority had been weighed in the balance by the majority and found irrelevant, or else not considered at all. Much evidence had been covered up.

THE ASSAULT ON SENATOR JOHN WILLIAMS

On July 8, 1964, the Committee's majority filed a report with five recommendations. First, the adoption of new rules requiring some form of public disclosure of outside financial interests by members, officers, and employees of the Senate. Second, consideration by the two-party policy committees of the Senate of guidelines for the securities to the Majority and the minority. Third, consideration by Senate committees and senators of guidelines for committees and senatorial staff members. Fourth, consideration by the executive branch of regulations requiring accurate records of congressional intervention in matters pending before executive agencies. Fifth, immediate survey of the information assembled by the Comittee by the Justice Department, to determine whether criminal action was warranted.

The minority of the Committee supported the first of these recommendations, but found the other four vague and advisory at best. The three Republican senators declared that the investigation of Baker never had been completed. The majority had "refused to call a single witness requested by a minority member of the committee, or by all the minority members of the committee. This was in direct violation of the published rules under which the committee was operating...The full story has not been disclosed concerning Bobby Baker and those associated with him, including present and former senators and Senate employees. It has not been told because the majority prevented the investigation from proceeding."

Even though the majority members of the Committee on Rules and Administration voted to close the investigation, the Bobby Baker scandals would not go away. Senator John Williams, with dogged persistence, continued his search for the facts.

In a speech on the Senate floor, September 1, 1964, Sena-

tor Williams disclosed a statement given to him by Don Reynolds on August 18. This document startled the Senate.

For Reynolds declared that in the affair of the performance-bond for construction of the District of Columbia stadium—in which the names of Bobby Baker and Matthew McCloskey had loomed large—payment for the bond had been padded. (In the sense that McCloskey's bill to the federal government was paid out of public funds, the bond was padded out of taxpayers' money.) The actual cost of the bond had been $73,631.28; yet the check that Matthew McCloskey had given to the bonding-agent firm was in the amount of $109,205.60, an overpayment of $35,574.32. Senator Williams displayed on the Senate floor a copy of McCloskey's check for the larger sum.

What had been done with this overpayment of more than thirty-five thousand dollars? Apparently ten thousand dollars had gone to Reynolds to compensate him for the commission he would have received had he been the bonding agent, writing the bond himself instead of merely acting as broker; and as a payment to him for dispensing the related kickbacks. The bulk of the money, twenty-five thousand dollars—so Reynolds stated—had been turned over to Bobby Baker, allegedly as a contribution to the campaign fund of 1960, to elect the ticket of Kennedy for President and Johnson for Vice-President. Whether the funds actually were used for such an unlawful purpose, Reynolds could not say: he did not know what had happened to the money after it had been put into Baker's eager hands.

Here was a pickle: the Senate could not easily ignore a scandal involving that eminent and well-heeled Democrat Matthew McCloskey, and the already-notorious Bobby Baker. President Johnson and Senator Goldwater already were campaigning hotly against each other for the presidency; the national elections were less than three months distant. The Baker affair still was like a cancer in the face, not to be hidden, despite the Rules and Administration Committee's cover-up majority report in July.

Accordingly, Senator Mansfield, majority leader, proposed a Senate resolution authorizing the Rules and Administration Committee to reopen its investigation. The Senate, on Septem-

ber 10, adopted the resolution by a vote of seventy-five to three, a considerable vindication of the Committee's minority report. This new resolution included the responsibility of looking into the affairs of senators or former senators, and emphasized the business of the District of Columbia stadium.

An effort was made, during debate on the reopening of the investigation, to shift the investigation to the Senate Committee on Government Operations, of which Senator McClellan, of Arkansas, was chairman. This proposal was defeated by a vote of fifty to thirty-seven senators.

After some delay, on October 1 and 2, 1964, the Committee on Rules and Administration assembled to discuss renewal of the investigation. The chairman received the testimony of two witnesses concerning the procedures that had been followed in the letting of bids for the stadium. On the second day, Senator Cooper said that the investigation should dispense with details about such procedures and instead get to the heart of the issue: the charge that there had been a corrupt and illegal transaction by McCloskey and Baker.

Chairman Jordan departed the following day on a campaign tour. On October 12, the Committee's three minority members sent a letter to Senator Jordan, asking that Baker, McCloskey, and two other witnesses be called to testify before November 3. Jordan replied that the hearings could not be conducted fairly in the closing weeks of an election campaign, and ruled out further hearings until the November elections were past. So it came to pass that Lyndon Baines Johnson, often mentioned ominously in the earlier hearings, was elected President of the United States before the Baker scandals were aired again.

When the Committee resumed hearings on December 1, the strategy of the Committee's majority became clear: they were endeavoring to blacken both Senator John Williams and Don Reynolds in the public eye. Chairman Jordan had announced on November 24 that Reynolds could not be found to testify. But the very next day, Reynolds had appeared to accept the Committee's summons, charging that the Committee was trying to discredit him by implying that he had absconded.

At one point in the December hearings, Senator Williams walked out, saying, "This investigation is more important than

any individual. It reflects upon the integrity of the whole Senate and the Congress. I have tried to be helpful to the committee. But as a result of the episode in which my veracity was challenged, I feel that I am unwanted. I shall continue to observe the committee's activities with great interest." (The chief counsel had attempted to make a point of the fact that neither Williams nor Reynolds had referred in the earlier series of hearings to the padding of the bond-payment. They had not taken up that matter because at the time they had lacked the proof: that is, McCloskey's check in payment.)

Senator Williams, not a member of the Committee, had unselfishly pursued the investigation without staff and without extra expense-money. He had laid information before the Committee that in the interest of the Senate should be followed up. But the Committee's counsel, McLendon, often went out of his way to attack Williams.

On December 3, for instance, following a statement by Senator Williams, McLendon said, "I deny every word of that as emphatically as I can. You never made such a statement to me...You ought at least to tell the truth."

At that point, Williams rejoined, "This is the first time in my life that an employee of a Senate committee at a public hearing has accused a senator of an untruth." Carl Curtis then interjected, "Mr. McLendon has no business making such a statement. I hope he withdraws it." Yet McLendon responded, "I had the same business making that statement as Senator Williams had in making his."

It appeared that McLendon was there not to investigate, but to block investigation. Senator Scott asked Bostick of the Melpar Corporation, "Do you know one Linda Morrison?" Bostick objected to replying. Intervening, McLendon asserted that the witness should not answer. McLendon often seemed to be counsel for the defense, not counsel for the investigation.

At last Matthew McCloskey was called as a witness. He flatly denied the allegations made by Reynolds. He described the overcharge in payment for the performance bond as "a goof." His company, he said, would try to recoup from Reynolds that overpayment of thirty-five thousand dollars. He denied that he had been involved in anything wrong. At one point he burst

out, "I don't care what Reynolds has testified; he hasn't told the truth once." Actually, Reynolds' testimony stood up in the light of all other evidence that could be gathered.

It was well known that the McCloskey Company had erected a number of buildings for the government in Washington. Many of these buildings were under the direct control of Congress. Senator Curtis wrote to the General Accounting Office, asking for information concerning all construction projects awarded to McCloskey that had been paid for by the federal governnent. Instead of assembling the information themselves, the General Accounting Office people asked Matthew McCloskey to provide it. McCloskey refused.

Yet by this time the Democratic members of the Committee doubtless perceived that Baker could not be let off scot-free: the public outcry would be too great. The majority heard a witness whose testimony clearly would damage Baker badly.

This witness was Harry K. Barr, president of the Barr Shipping Company, New York. He was chairman of an *ad hoc* association, Ocean Freight Forwarders, formed for the purpose of obtaining legislation favorable to that business. On behalf of Ocean Freight Forwarders, Barr had hired one Myron Weiner as lobbyist. Weiner had been paid fifty thousand dollars. On September 21, 1961, Weiner had written a check for five thousand dollars to Ernest C. Tucker, Baker's law associate. Tucker testified that he had deposited that check at Baker's request and the next day had written a check for five thousand dollars in Baker's favor.

It would have been a conflict of interest for any congressional employee to have accepted a fee for assisting private persons in the enactment of legislation. And in this case, Baker had been operating from the office of the majority leader, with unusual power of getting bills scheduled and approved, it being assumed that Baker was acting for the majority leader. Apparently this Ocean Freight Forwarders transaction by Baker had constituted the selling of the government's favors.

The Committee's majority found it well to accept the Ocean Freight Forwarders affair as a conflict of interest on Baker's part. On this charge, but on this charge alone, the majority of the Committee eventually would suggest the possibility of indict-

ing Bobby Baker. This charge did not involve the names of other persons high in federal office or of eminent members of the Democratic Party.

More witnesses were heard, if tardily—or rather, attempts were made to hear them. Paul F. Aguirre, previously sought as a witness, was called at last; but he refused to answer on the ground that he might be incriminated. A Committee staff report on Aguirre contained an interview with him. Aguirre had discussed with Baker the organizing of the Pansatic Corporation, to operate trailer parks. Baker had brought Carole Tyler and Elli Rometsch with him from Washington to New Orleans in May, 1963; Aguirre spent several days "partying" with them. When asked for more information about Elli Rometsch, Carole Tyler, and the "parties," Aguirre had refused, saying, "If I'm asked by the committee about this, I will deny it even if they have photographs. My wife is expecting a denial, and she will get it." Aguirre had various other connections with Bobby Baker, which could not be explored because of Paul Aguirre's refusal to testify. On December 9, the majority of the Committee voted against investigating the information provided by Senator Williams concerning Ingrid Luttert, Elli Rometsch, and other women associated with Baker. Thus the part these figures of the demi-monde played in Baker's operations, and possible security risks involved, also went unexplored.

Testimony was taken also with reference to the granting of a charter to the Redwood National Bank, San Rafael, California. The applicants employed one Wayne L. Bromley to expedite this application after some months had elapsed with no action. The charter then being granted, the Bank made out a check to Bromley for five thousand dollars. Bromley instructed the Bank to deliver the check to Baker's Capitol office. Both Bromley and Baker then endorsed the check, and Baker cashed it. Bromley refused to testify before the Committee, taking the Fifth Amendment as his defense.

Despite endeavors by the minority, here the Committee ceased to call witnesses. The majority engaged instead in an attempt to discredit Don Reynolds' testimony. The chairman obtained a report on Reynolds which he represented as pre-

pared by the Federal Bureau of Investigation, but which was written merely by lawyers in the Department of Justice. Carl Curtis made this point on the floor of the Senate: "This report was obtained and released for the purpose of prejudicing the public mind against the testimony of witnesses who testify against the politically powerful..."

In the hope of compelling the Committee to call more witnesses desired by the minority, Senator Williams and Senator Curtis turned to the Senate floor. Williams offered a bill to expand the Committee's authority, including all sorts of business interests and any improper activity (including campaign contributions). Curtis offered an amendment to this bill providing that any three members of the Committee might request witnesses to be called, and that the Chairman must honor such requests. The Curtis amendment won by a vote of thirty-six to thirty-three. The Williams resolution, nevertheless, never came to a vote: the Senate majority leader, Mike Mansfield, contrived to table it. In these contests in the Senate, several well-known Democratic senators supported the Williams and Curtis proposals, among them Byrd of Virginia, Douglas of Illinois, Gruening of Alaska, Hart of Michigan, McClellan of Arkansas, Nelson of Wisconsin, Proxmire of Wisconsin, Russell of Georgia, Stennis of Mississippi, Williams of New Jersey, and Young of Ohio; but these reinforcements did not suffice. On other key votes related to the investigating committee, a number of other Democratic senators supported Curtis: Lausche of Ohio, McIntyre of New Hampshire, Bartlett of Alaska, Symington of Missouri. Nevertheless, the Democratic majority in the Senate prevailed, so crippling the minority on the investigating committee. The Committee's witnesses, particularly Reynolds, had named the President of the United States; so partisan loyalty persuaded the Democratic majority, in effect, to allow this investigation into unlawful and improper conduct to die.

Senator Sam Ervin, of North Carolina, was the principal advocate of restricting the investigation. If Senator John Williams was the prime mover of the Baker investigation, Senator Sam Ervin was its gravedigger. Ervin, a considerable authority on the Constitution, was in general one of the more conservative Democratic senators, later zealous in the Water-

gate investigation. Ervin not only voted against the power of three members of the Committee to call a witness, but he spoke several times against that proposal. On one occasion he described the purpose of the investigating committee as "to merely investigate circumstances relating to business interests of former employees or present employees of the Senate, to ascertain whether or not there was any conflict of interest between business transactions of such former or present employees and duties as employees of the Senate."

Ervin argued that the investigation had been completed now, and that the Committee should make its report. He said that the alleged forgeries of signatures on Baker's tax returns were irrelevant to the purpose of the investigation.

Back of Senator Ervin loomed the tall figure of Lyndon Baines Johnson, President of the United States, wheeler and dealer, whose right-hand man Bobby Baker had been. Like Baker, Johnson had grown rich while in public office, indeed a great deal richer than Baker. It would not do to call more witnesses, not when President Johnson's interests were in question. If Bobby Baker were indicted for crimes, who else might be indicted?

So in the spring of 1965, the Johnson forces made a desperate attempt to destroy the reputation of Senator John Williams and that of Don Reynolds. Counsel McLendon prepared a report, a secret one, denouncing Reynolds and attempting to discredit Williams. This report fell into the hands of the Washington press, with unfavorable results for the Johnson partisans.

Senator Williams, indignant, twice addressed the Senate, challenging the Democratic members of the investigating committee either to support the secret report by McLendon, or to repudiate it. No member of the Committee ventured to reply to Williams.

Why had he been so treated by the Committee's majority? Williams inquired before the Senate. "The answer is very simple. They are desperate. The decision has been made by the hierarchy of the Great Society that John Williams has got to be stopped—discredited and destroyed, if necessary—before the Baker investigation embarrasses this Great Society any more,

or before the case reaches any higher...

"A reading of the report makes it clear that back of all of this controversy is a diabolically clever plan to divert the attention of the American people from the real issue of this investigation: namely, what kind of influence-peddling were Bobby Baker and his associates carrying out in his office under the dome of the Capitol?"

In this report attacking Williams, the Committee's majority emphasized that Williams had not said early in the investigations that McCloskey had padded the performance-bond in the amount of thirty-five thousand dollars. In reply, Williams had pointed out that he had urged the Committee's chairman to get the performance-bond check from McCloskey. The Committee had not done so. Williams himself at length had obtained a copy of McCloskey's check to Reynolds, obtaining it to everyone's surprise from a Philadelphia daily newspaper's published photograph of the check!

Williams' adversaries were silent in the Senate: there was no case they could make for their conduct. Allies of the Johnson administration, however, carried on a campaign against Williams in the press. A news story was published nationally declaring that Senator Williams had been seen breakfasting with a young woman at a restaurant in Delaware—presumably with the imputation that if one breakfasted with a girl, one must have spent the previous night with her. Even the gentlemen of the Fourth Estate must have been chagrined somewhat on learning, the day after the story was published, that the young person in question had been Senator Williams' granddaughter.

In the presidential election of 1964, Lyndon Johnson took the trouble to campaign twice in Delaware, a state with only three electoral votes. He spoke against Senator John Williams expressly. To President Johnson and his circle, John Williams was a highly dangerous man: too honest, too courageous. Senator Williams was re-elected.

A SCANDALOUS MAJORITY REPORT

Still the Baker investigation proceeded. As the months elapsed, the minority members pressed that Walter Jenkins be called to testify. If necessary, the majority members could throw Bobby Baker to the wolves; but in the interest of the Johnson administration, they dared not sacrifice the President's confidential aide Jenkins. Were Walter Jenkins to testify, he would be exposed to cross-examination concerning the part of Lyndon Johnson in the entire career of Bobby Baker.

Yet at last the minority members did succeed in having a subpoena issued for Jenkins. The notorious fact of Jenkins' arrest on a morals charge in the autumn of 1964 embarrassed the majority into calling him as a witness. But on the appointed day for his testimony, Jenkins did not appear. Instead, there appeared two psychiatrists, whom the Committee interviewed and cross-examined for a day. These psychiatrists contended that Jenkins' life would be endangered, were he required to testify: not merely his health, but his *life*. Nowhere in the printed hearings of the Committee is there any reference to this pair of psychiatrists; the majority voted down Curtis' motion to make their testimony public. Cross-examination of the psychiatrists that day had shown that Jenkins had attended all the functions of President Johnson's inauguration; that he had gone on vacations; and that in other respects he was leading an ordinary life. The Committee excused Jenkins from testifying. Strange to say, the reporters' notes taken on the testimony of the psychiatrists vanished altogether.

The final report filed by the majority of the Committee on Rules and Administration bears the date of June 30, 1965. It is a whitewash, a cover-up, a disgrace to the senators who subscribed to it. It is an endeavor to protect the politically powerful and to make difficult a successful prosecution of Bobby Baker.

The report falsely represents the limitations of the Committee's responsibilities. It falsely attacks Senator Williams. It falsely declares that subpoenas were issued in several states for Don Reynolds. It falsely covers up Matthew McCloskey's padding of the performance-bond, despite McCloskey's own testimony in the record. It falsely denounces the testimony of Reynolds, the most valuable witness called, as following a "tortuous path of deception." It pretends to find nothing improper in the Redwood National Bank case of influence-peddling. The report, in short, was a sham. It ended, in its recommendations, by praising President Lyndon B. Johnson for his executive order regarding identification of outside business interests by federal employees, etc., etc. Bobby Baker's patron was almost canonized by the majority report.

The Committee's minority report, as the second and last phase of this investigation concluded, was very different. The substance of it has been the subject of this section. The minority praised highly Senator John Williams: "Without the evidence produced by Senator Williams, which evidence forced the majority to act, we doubt that the investigation of Robert Baker would ever have occurred."

Even in a section as long as this one has been, it is impossible to touch upon many details of the Baker investigation. In a phrase too often employed, the Committee saw only the tip of the iceberg of influence-peddling and use of public office for personal profit. The wheeler-dealer to whom many signs pointed was elected President of the United States, while this investigation still was in progress. "They gave unto him his heart's desire, and the iron entered into his soul withal." He would lead the United States to the country's first great military defeat and to ruinous inflation of the currency.

And what of Bobby Baker? The report of the majority of the Committee did go so far as to make a sacrificial lamb of the genial Bobby: it suggested consideration of the possibility of indicting Baker for violation of conflict-of-interest statutes in connection with his being paid five thousand dollars by a lobbyist for Ocean Freight Forwarders. Other charges against Baker apparently did not trouble the majority.

With the judicial branch of the government of these United

States, Baker did not come off quite so easily, though lightly enough. On January 5, 1966, he was indicted by a federal grand jury in Washington on nine counts, among them receiving money ($137,000) on false pretenses, evading income taxes, conspiracy to conceal income, defrauding California savings-and-loan executives of a hundred thousand dollars, and transportation of stolen money. The hundred thousand dollars feloniously extracted from the savings-and-loan people, incidentally, had been handed over by Baker to Senator Robert S. Kerr, of Oklahoma, who gave half that sum back to Baker as an unrecorded "loan."

On January 29, in the federal district court for the District of Columbia, Baker was convicted on seven counts. For all the mischief he had worked, Bobby Baker (by this time thirty-eight years old) was sentenced to one to three years in prison. Through appeals he postponed his actual jailing for four years; then he served less than seventeen months of his term, and was paroled. For the counts on which he was convicted, he could have been sentenced to forty-eight years' imprisonment and fined forty-seven thousand dollars.

Fred Black, Jr., Baker's partner in the Serv-U vending company, lobbyist for North American Aviation (fee, two hundred thousand dollars annually) and for other space-industry firms, was sentenced to imprisonment for a term of fifteen months to four years. His connections with Baker had given Black influence with Senator Kerr (then chairman of the Senate Committee on Aeronautical and Space Sciences) and with the NASA administrator. Conviction of Baker and Black was obtained by the revelations of a "bug" placed in Black's Washington hotel room in 1963 on instructions from Attorney General Robert Kennedy. After serving his sentence, Black returned to Washington for more interesting involvements.

But things did not go at all badly for some other persons associated with Baker's dealings. David Bress, counsel for Baker's and Black's Serv-U Corporation, was appointed United States attorney for the District of Columbia by President Johnson! And that influential lawyer Abe Fortas, who (at the express request of Lyndon Johnson) had represented Bobby Baker for a time during 1963, happily found himself appoint-

ed by President Johnson a justice of the Supreme Court of the United States. Later, under threat of impeachment by the House for his conflict-of-interest activities, Fortas found it necessary to resign from the Supreme Court.

The truth of many of the charges against Baker (including Johnson's involvement in various matters) is confessed with remarkable candor in Baker's memoir *Wheeling and Dealing* (1978). That book interestingly vindicates the work of the minority members of the Senate's Committee on Rules and Administration, much though Baker disliked those senators and Senator John J. Williams. Of Williams' proposed resolution that all members of the Senate be subject to investigation—a resolution shouted down by the Senate—Bobby Baker comments, "The result should have been foreseen by Senator Williams. Too many cans of worms would have been opened on both sides of the aisle had his resolution carried the day."

The mountain of a senatorial committee had labored long and produced a mouse, or perhaps a rat. Be that as it may, at least the Committee's minority, with the aid of Senator John Williams, had opened some Americans' eyes to the corruption that follows upon the concentrating of power and wealth in a central political apparatus.